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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States parties
under articles 16 and 17 of the Covenant

Addendum

BENIN*

[5 February 2001]

* The information submitted by Benin in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.85).

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INTRODUCTION

1. The adoption in the Republic of Benin of Marxist-Leninist ideology and a policy of State dominance led, towards the end of the 1980s, to an economic, financial and social crisis which brought about the collapse of the banking system, an accumulation of domestic and external debt, a weakening of the productive apparatus and the impoverishment of the most vulnerable sectors of society through increased unemployment.

2. This situation led, in February 1990, to the convening of a National Conference of the Active Forces of the Nation, which paved the way for a State based on the rule of law and guaranteeing fundamental freedoms, laid the foundations for pluralistic democracy and steered the economy towards liberalism.

3. Meanwhile, in an attempt to put an end to this difficult situation, in 1989 the Government undertook a structural adjustment programme with the assistance of the World Bank and the International Monetary Fund. Benin is currently implementing its third structural adjustment programme. These programmes accorded priority to macro-economic adjustment measures and neglected the social sectors, whose situation has deteriorated as a result of the 50% devaluation of the CFA franc against the French franc in January 1994, with a resulting fall in consumers' purchasing power.

4. The Beninese economy is proving slow to get off the ground, owing to an agricultural sector that still relies on primitive methods, its still-embryonic industry and a bloated tertiary sector that is hard to control, given the measures imposed on the Government under the various structural adjustment programmes and the difficulty it is experiencing in creating jobs in the private sector, particularly in the areas of health and education.

5. The development of a society calls for the promotion of the health of the population, the improvement of its living and working conditions, full employment, fair income distribution, and the right freely to dispose of its wealth and natural resources and to defend its material, moral and professional interests. Conscious of these facts and in the desire to safeguard these rights and to accord them to all its citizens, the Government of the Republic of Benin has acceded to the international human rights instruments in general, and in particular to the International Covenant on Economic, Social and Cultural Rights, to which it acceded on 12 March 1992.

6. With a view to translating this will into concrete actions, the Government has taken both legal and practical measures progressively, and to the extent of its capacities, to achieve that goal. The present initial report is intended to set forth the efforts made by Benin in the framework of the obligations it has assumed by becoming a State party to the International Covenant on Economic, Social and Cultural Rights.

A. Geographical characteristics

1. Geographical situation

7. Benin is a State in the southern part of Western Africa, situated between latitudes 6° and 14° North and longitudes 1° and 4° East. Formerly known as the Republic of Dahomey, then as the People's Republic of Benin, it has an area of 114,763 km² and a fairly flat relief. To the east it has a 750 km border with Nigeria, to the north borders with Niger (120 km) and Burkina Faso (270 km), and a 620 km border with Togo to the west, with a 125 km Atlantic coastline to the south.

8. The population, which stood at 2,069,700 in 1961, grew to 3,331,200 in 1979 and to 4,915,555 in 1992, and was an estimated 5,700,000 in 1996. The population has thus almost tripled in 30 years, the result of a 3.2% annual natural growth rate. The population density varies widely from region to region, with an average density of 220 per km in the three coastal provinces. The rural population accounts for 72% of the total population.

2. Relief, climate and hydrography

(a) Relief

9. The country is not very hilly. The average altitude is 200 metres above sea level. With few hills, the terrain slopes away gradually towards the south. The Atakora cliffs, in the north of the country, rise to more than 600 metres. They dominate the central crystalline or ferruginous rock plateaux, with their hilly outcrops. In the south, the low-lying coastal plains are preceded by peneplains and ferralitic plateaux.

(b) Climate

10. Because of its latitude, Benin has a warm, humid, tropical climate. In the south, the climate is sub-equatorial, with two rainy seasons (April-July and October-November) and two dry seasons (August-September and December-March). The north has a tropical climate with low humidity, with one rainy season (May-October) and one dry season (November-April).

(c) Hydrography

11. Benin has a fairly extensive network of permanent watercourses, most of which flow either northwards, into the Niger (the Mékrou, Alibori and Sota rivers), or southwards, into the Atlantic. The Ouémé is the largest river.

3. Administrative divisions

12. Benin is divided into six provinces (Atacora, Atlantique, Borgou, Mono, Ouémé and Zou), subdivided into nine urban districts and 68 sub-prefectures, which in turn are divided into 517 communes, consisting of 2,367 villages and 1,017 urban neighbourhoods. Villages and urban neighbourhoods are the administrative units around which social life and productive activities are organized.

13. A draft law reforming the territorial administration, which is intended to bring the population and the administration closer together and will involve citizens directly in the management of their communities, is currently being tabled in the National Assembly.

14. The chief towns are Cotonou, with 536,000 inhabitants (the economic capital and seat of government); Porto-Novo, with 176,000 inhabitants, the administrative capital; and Parakou, with 105,000 inhabitants the largest town in the north of the country.

B. Demographic characteristics

15. In 1992 Benin had a population of 4,915,555, 49% of whom were males and 51% females. Almost half the population was under 15 years old, and only 7.5% were over the age of 55. It is thus a very young population. The potential labour force is far and away the largest group, accounting for almost half (49.9%) of the total population. The rural population accounts for 64% of the total population, the urban population for 36%.

Age group	*Urban population*	*Rural population*	*Total population*
0-14	45.3%	45.3%	48%
15-59	49.9%	49.9%	46%
60 +	4.8%	4.8%	6%
Total	100%	100%	100%

16. Traditional religions are practised by 35% of the population. Christian denominations account for 35.4%, 25.9% of them Catholics. Islam is practised by 20.6% of the population. Other religions account for 1.9%, while 6.4% of the population have no religion.

I. GENERAL PROVISIONS OF THE COVENANT

Article 1

17. The right to self-determination has been implemented through general and specific measures taken by the Beninese people and their Government.

General measures

18. The general measures taken fall into three categories.

19. (1) The convening of the National Conference of the Active Forces of the Nation, from 19 to 28 February 1990, in the course of which the people opted for a State based on the rule of law, with consequential freedom of the press and guarantees of fundamental rights and freedoms for all. It also affirmed that power, authority and government are a service at the disposal of human beings, who are at the centre of development, economic growth and the division of wealth. Development includes control, through the cultural environment, of the resources and techniques guaranteeing physical, moral, mental and intellectual well-being.

20. (2) The constitutional referendum. This enabled the Beninese people to acquire a new Constitution, dated 11 December 1990, which is currently in force. Following its enactment, the members of the first National Assembly and the first President of the Republic were elected. Counterbalancing institutions also began to be put in place.

21. (3) Ratification of the international instruments concerning the rights of individuals, the most important of which are:

- the International Convention on the Suppression and Punishment of the Crime of Apartheid, adopted on 30 November 1973, and ratified by Benin on 30 November 1974;

- the Slavery Convention, adopted on 2 September 1926 and ratified by Benin on 4 April 1962;

- the African Charter on Human and Peoples' Rights, adopted on 27 June 1981 and ratified by Benin on 20 January 1986. Its provisions are an integral part of the Beninese Constitution under its article 7;

- the International Covenant on Economic, Social and Cultural Rights, the subject of the present report, adopted on 16 December 1966 and ratified by Benin on 12 March 1992;

- the International Covenant on Civil and Political Rights, adopted on 16 December 1966 and ratified by Benin on 12 March 1992, together with the first Optional Protocol thereto;

- the Convention on the Rights of the Child, adopted on 20 November 1989 and ratified by Benin on 3 August 1990;

- the African Charter on the Rights and Welfare of the Child, adopted in July 1990 and ratified by Benin in May 1996;

- the Convention on the Elimination of All Forms of Discrimination against Women, adopted on 18 December 1979 and ratified by Benin in 1981;

- the International Convention on the Elimination of All Forms of Racial Discrimination, adopted on 21 December 1965;

- the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on 10 December 1984 and ratified by Benin on 12 March 1992.

22. A National Committee composed of representatives of all the ministries was set up by Decree No. 96-433 of 4 October 1996, to monitor implementation of these various international instruments.

Specific measures and constitutional provisions

23. In the preamble to the Constitution sovereignly adopted on 11 December 1990, the Beninese people reaffirmed their fundamental opposition to any political regime founded on arbitrariness, dictatorship, injustice, corruption, misappropriation of public funds, regionalism, nepotism, confiscation of power, and personal power.

24. They also affirmed their determination to create a State of law and pluralistic democracy in which the fundamental human rights, public liberties, the dignity of the human being and justice are guaranteed, protected and promoted as the necessary prerequisites for the genuine harmonious development of each Beninese citizen in his temporal, cultural and spiritual dimensions.

25. They also affirmed their attachment to the principles of democracy and human rights as defined by the international instruments, and their will to cooperate with other peoples in those fields, on the basis of the principles of equality, reciprocal interest and mutual respect for national sovereignty and for territorial integrity.

26. The Beninese people decided that the Republic of Benin shall be an indivisible, secular and democratic State (art. 2). National sovereignty is to belong to the people (art. 3), and is to be exercised through their elected representatives, by referendum (art. 4).

27. Every human being shall have the right to the development and fulfillment of his personal potential in its material, temporal, intellectual and spiritual dimensions, provided he does not violate the rights of others, constitutional order or public morals (art. 9). All communities comprising the Beninese nation shall enjoy the freedom to use their spoken and written languages and to develop their own culture while respecting that of others (art. 11). Every person shall have the right to culture. The State has the duty to safeguard and promote the civilized values of the nation, both material and spiritual, as well as cultural traditions (art. 10). It must also promote the development of national languages of intercommunication (art. 11). Every person has the right to property. However, property may be expropriated in the public interest, provided the victim receives just and prior compensation (art. 22).

Article 2

28. Article 39 of the Constitution provides that foreigners in the territory of the Republic of Benin shall enjoy the same rights and freedoms as Beninese citizens, under the conditions determined by law. These conditions include possession of an entry visa and a residence permit for Benin, authorization to carry on a commercial or other activity, or, in the case of expatriate workers, obtaining a contract of employment and a work permit.

II. PROVISIONS RELATING TO SPECIFIC RIGHTS

Articles 1 to 6

29. The Republic of Benin has not ratified the International Labour Organization (ILO) Convention concerning Employment Policy, 1964 (No. 122). However, in May 1997 the Government, one of whose major concerns is employment, requested and obtained assistance from the ILO Committee of Experts on the Application of Conventions and Recommendations, enabling it to make a careful study of the relationship between national legislation, regulations and practice and the provisions of that Convention, with a view to its ratification by Benin. The study revealed that there was a clear political will on the matter, as set forth in the Government's Programme of Action, but that the specific actions undertaken had not yet yielded any conclusive results. Furthermore, all the ministries need to be involved in the ratification process and must make a firm commitment to playing their full part in that process. Consequently, adoption of the draft law ratifying the Convention has been postponed.

30. The ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) was ratified by Benin in 1961, and, pursuant to article 22 of the ILO Constitution, has been the subject of annual reports in the form indicated by the ILO Administrative Council, and also of a questionnaire prepared by that body and transmitted to the Government.

31. Various direct requests or general observations concerning application of the Convention prompted the Government to have some legislative and regulatory provisions amended, on its own initiative and also by private-sector and semi-public structures. Examples are the provisions of the State Agents (General Regulations) Act, No. 86-103 of 26 February 1986 concerning selection criteria, and the provisions of the Office of Posts and Telecommunications Staff Regulations governing criteria for recruitment.

32. The ILO Discrimination (Employment and Occupation) Convention (No. 111) gives rise to no particular difficulties. Only the provisions of article 12 of Act No. 86-013, which provided that, by virtue of the inherent requirements of a particular job, access thereto may be reserved for candidates of one or the other sex, provoked comments by the ILO Committee of Experts. Responding to those comments and direct requests, the Government explained that those provisions

had been included in the Act with the principal aim of protecting women in certain jobs. The implementing decrees establishing the general regulations for the various entities did not include any such provisions. In addition, the above-mentioned selection criteria were also amended at the request of the Committee of Experts, particularly as regards political beliefs.

33. The International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women have also been ratified by Benin, but have not yet been the subject of reports.

A. Situation concerning employment, unemployment and under-employment in the Republic of Benin

34. The 1980s were characterized by an unprecedented crisis in the Beninese economy, marked by a slowdown in economic growth, the collapse of Benin's export potential, the accumulation of substantial public finance and balance of payments deficits over the period as a whole, and a profound disruption of the foreign balance.

35. In 1989, this situation obliged the Beninese authorities to implement a structural adjustment programme in collaboration with the Bretton Woods institutions (World Bank and International Monetary Fund). In spite of job creation support arrangements, the tight budgetary programme led to a worsening of Benin's employment crisis, with the loss of 4,500 jobs in 1993, involving 1,071 voluntary redundancies, 1,619 part-time staff in the administration, 400 persons laid off in public and semi-public enterprises, and 490 staff of the Ministry of Rural Development.

36. Against this unfavourable background, on 11 January 1994 the CFA franc was devalued, jeopardizing the liquidity position and profitability of most of the importing enterprises and leading to massive cutbacks. As a result of this situation, thousands of unemployed persons with or without qualifications, from the towns and rural areas, fled to the informal sector, whose ranks they continue to swell.

37. From this analysis it can be seen that Benin is undergoing a massive employment crisis, resulting in great poverty and material difficulties for the majority of the population. This employment crisis, which was latent in the 1980s, was brought about and intensified by the measures advocated in the structural adjustment programmes. The measures to restore equilibrium contained in these programmes resulted in the abolition of posts in the public and semi-public sectors. At the same time, policies to restrict demand for labour in both public and private sectors had the automatic effect of reducing the number of posts available, particularly in the modern sector.

38. The consequences of the crisis were a rise in open or short-time unemployment, an increase in underemployment, generalized job insecurity and an increase in unremunerative jobs.

39. Various documents describe these situations, among them:

- the report on the work of the first forum on employment in Benin, held on 1 and 2 June 1994, prepared and published with support from the United Nations Development Programme (UNDP);

- the register of support arrangements to promote employment in Benin, January 1996;

- the report on the employment situation and structural adjustment measures in Benin, prepared and published with support from UNDP, Cotonou, July 1993;

- the civil service indicators prepared by the Ministry of the Civil Service, Labour and Administrative Reform and the Employment Observatory (Ministry of Labour, Employment and Social Affairs), Cotonou, June 1993;

- the report on the structure of employment in the modern urban sector, 1994 (excluding the public administration), prepared and published with support from UNDP, September 1995.

40. To summarize, the strong growth in employment in the formal sector at the start of the 1980s gave way, from 1986 onwards, to a rapid growth in employment in the informal sector.

41. As for women, they comprise 51% of the labour force, accounting for 32% of agricultural workers and 90% of workers in the commercial sector. Few women are wage earners. At 31 December 1992, of a total of 34,330 permanent State officials, only 8,861, or 25.81%, were women. They are also very poorly represented in the liberal professions.

42. This situation is the result of various legal, political, socio-cultural and economic constraints which used to place limits on women's full participation in the country's development.

43. The labour force is unevenly distributed between urban and rural areas. In 1992, 66% of the labour force lived in rural areas and 44% were engaged in non-agricultural activities. From this it can be seen that the agricultural sector remains the largest provider of employment in Benin in volume terms. However, in this sector the number of employed persons is growing only slowly, i.e. at an average annual rate of below 1% (1,063,401 in 1979 and 1,149,305 in 1992, or 85,904 jobs over the period - an average of 6,608 jobs annually).

44. A large proportion of children are to be found in the agricultural and informal sector labour force, an indication of the structural illiteracy of the rural population: children not attending school today are the illiterates of tomorrow.

45. The results of the survey carried out by the Informal Sector Research and Survey Programme and on the basis of various other sources show that in 1992 about 89,000 persons were employed in the modern sector.

46. The Beninese State has taken legislative steps to encourage the employment of certain specific categories of persons such as women and disabled people. Thus, pursuant to articles 31 to 33 of Act No. 98-004 of 27 January 1998 establishing the Labour Code,

- disabled persons are those whose possibilities of obtaining employment are effectively reduced as a consequence of a diminution of their physical or mental capacities;

- the status of disabled person shall be determined by a commission under the authority of the Minister for Social Affairs, and certified by possession of a card;

- any employer who employs disabled persons shall be exempted from the employer's contribution to the progressive tax on salaries, wages, pensions and life annuities.

It should however be noted that no statistical research has yet been done to establish the number of disabled persons in work.

47. Trends in permanent employment, 1993-1995

(Breakdown by year, sex and sector)

Year	*Private sector*			*Public sector*			*Total private and public*	*Number of enterprises*
	Men	*Women*	*Total*	*Men*	*Women*	*Total*		
1993	5 547	726	6 273	2 166	396	2 562	8 835	154
1994	5 571	748	6 319	2 202	422	2 624	8 943	154
1995	5 174	718	5 922	2 173	410	2 583	8 505	154

Source: Employment Observatory/State Personnel Directorate - UNDP: ESE, 2, 3 and 4, 1993, 1994, 1995.

B. Main employment policies

48. In 1992 an Employment Observatory was set up, with the chief task of compiling information on employment structures and on training, with a view to reorganizing them effectively and striking an appropriate balance between them.

49. In that context, six documents, in addition to those referred to in paragraph 39 of this report, were drawn up and published with the assistance of UNDP:

1. Sources and Data Available on Employment (survey conducted in 32 entities), February 1993;

2. Structure of Employment in the Modern Urban Sector - 1992 (excluding the public administration), December 1993;

3. Supply of and Demand for In-Service Training, March 1994;

4. Employment in Benin - Situation in 1993 and Prospects, April 1994;

5. Structure of Employment in the Modern Urban Sector - 1993 (excluding the public administration), December 1994;

6. Structure of Employment in the Modern Urban Sector - 1995 (excluding the public administration), May 1996.

50. In addition, the Government has prepared and published a National Programme for Employment, with the aims of:

- combating unemployment;

- establishing and providing support for community development units;

- consolidating human resources capacities through a strengthening and diversification of vocational and in-service training programmes and the establishment of an international programme for exchanges of best practice between countries with similar problems;

- developing entrepreneurial spirit;

- facilitating the development of the private sector;
- increasing the efficiency of the private sector;
- stimulating the contribution of Beninese citizens living abroad;
- promoting the role of women as agents of development;
- integrating young people into economic life;
- conducting labour-intensive works programmes;
- establishing common minimum social benchmarks.

In seeking to achieve these objectives, several job creation mechanisms have been established. These are public, private or cooperative mechanisms, details of which are provided below.

C. Job creation support mechanisms

1. Public mechanisms

(a) Project to support small and medium-sized enterprises

51. The principal aim of this support project is to promote private enterprise by offering technical and financial assistance to persons setting up businesses and to those wishing to extend their activity to a promising sector. It also offers training for entrepreneurs, young people with higher qualifications, employees of public or semi-public enterprises who have been made redundant and managers of existing enterprises, and provides public access to a database on enterprises in Benin.

52. Between July 1993, when it was set up, and the end of December 1995, the project received 464 applications for support, 55 of which were approved and implemented, thereby generating 326 permanent jobs. It should, however, be noted that these results have fallen short of expectations, because of the low level or absence of entrepreneurial spirit, particularly among qualified young people, and owing to the non-availability of the share due to the entrepreneur. For this reason, in collaboration with the Beninese National Lottery, the project has taken the initiative of organizing an annual competition for entrepreneurs and offering appropriate training to persons whose projects are accepted.

(b) Project to support the development of micro-enterprises

53. The main aims of this project are to support the creation of new enterprises and to facilitate access to credit for existing enterprises in the informal sector. Its activities involve helping beneficiaries, who include persons made redundant, unemployed holders of higher qualifications, traders, etc., to formulate their projects; and providing them with appropriate training, either to enable them to embark on a new career or to provide them with rudimentary training in business management.

54. This project also finances micro-enterprises to the tune of between 50,000 and 2 million CFA francs, depending on the type of project submitted. Between October and December 1995 it provided finance to 1,455 individuals in an amount of 679,500,000 CFA francs, in the commercial, manufacturing, agricultural, stockraising, catering, craft and other sectors.

(c) The Youth Integration Fund

55. The main purpose of this fund, which is financed from the National Budget, is to integrate young people into the labour market, through individual or cooperative micro-projects or micro-enterprises. Accordingly, it trains and supervises future entrepreneurs, finances micro-projects and micro-enterprises, and offers training in business management to unemployed young people with qualifications and a few students from the National University of Benin, to enable them to set up in business on their own account. Between 1993 and 1995 the results of the Fund were as follows:

Year	*Young people trained*	*Projects financed*	*Grants awarded by CONFEJES* (in CFA Francs)*
1993	25	8	601 850
1994	52	12	13 699 800
1995	80	12	9 680 000
Total	157	32	23 981 650

* CONFEJES: Conference of Ministers of Youth and Sport of the Francophone Countries.

(d) Management Agency for the Social Dimension of Development

56. Its objectives are:

- to promote small and medium-sized enterprises, particularly in the public works and construction sectors;

- to encourage the involvement of the population, development associations, local communities and national and international non-governmental organizations (NGOs) in the design of and follow-up to social infrastructure programmes;

- to supervise management of financing and carry out social infrastructure projects entrusted to it by the State, local communities and beneficiary associations;

- to improve, through project execution, the know-how of enterprises, and of the labour force in general, responsible for carrying out the works;

- to maximize the impact of this work on levels of employment among the target populations.

57. Against this background, the Agency's chief activities are:

- rehabilitation or construction of primary schools, rural roads and village wells;

- road and drainage maintenance.

It also performs other activities, such as establishing a Monitoring Committee, organizing information sessions with the beneficiaries before and after the infrastructure works are carried out, and provision of information to the communities on infrastructure maintenance.

58. In specific terms, the Agency has renovated 111 primary schools, requiring 116,000 manual-worker man-days, 93,000 skilled-worker man-days, and 15,000 supervisory-staff man-days - a total of 207,000 man-days over the six-month period, equivalent to 1,811 permanent jobs.

59. Infrastructure works by sector of activity

Year	*Village water project*	*Schools*	*Health centres*	*Administrative buildings*	*Rural roads*
From start-up to 1993	1	4	3	1	2
1994	-	1	1	1	1
1995	-	2	-	2	-

(e) National Solidarity Fund for Employment

60. Its aim is to stimulate and increase job promotion and employment opportunities. Accordingly, it encourages:

- integration into the labour market of first-time job-seekers and school leavers;
- retraining and back-up for civil servants who have been made redundant or who have left voluntarily;
- reintegration of workers of all categories made redundant;
- vocational training;
- creation of micro-enterprises, through financial support for projects not exceeding 5 million CFA francs, involving the creation of at least two posts on the payroll, and at least 20% self-financed;
- all employment promotion initiatives generally.

61. Its activities fall into two categories:

- occupational reintegration;
- creation of micro-enterprises generating jobs for self-employed persons.

62. The following categories are eligible for support from the Fund:

- job-seekers holding a certificate of completion of university studies, apprenticeship or vocational training;
- school leavers;
- civil servants who have been made redundant or who have left voluntarily;
- employers in private enterprises, NGOs, ministries or public and semi-public enterprises.

63. In 1994, 2,177 unemployed persons with higher qualifications attended 9- to 11-month vocational retraining courses in the private and public sectors. In 1995, the Fund financed 14 micro-projects leading to the creation of 47 permanent jobs. In addition, a programme for the reintegration of workers laid off by the Sémé Oil Project is currently being financed, involving 199 projects, 18 of them collective. This programme entails the creation of 238 permanent jobs.

(f) The National Committee for the integration of unemployed holders of higher qualifications seeking a career in agriculture

64. The principal aim of this Committee is to combat unemployment among young people with higher qualifications. Secondary aims are to halt the flight from the land and to promote a modern agricultural sstem. Accordingly:

It helps unemployed young people with higher qualifications seeking a career in agriculture to become established;

- It permanently monitors the number of unemployed young people and their needs;
- It is establishing a database and a centre for dissemination of information on employment problems in the context of promotion of economic activity in rural areas;
- It assists the unemployed through schemes for the renovation of abandoned State farms;
- It offers training in agricultural methods, enterprise creation and business management.

65. Currently, the Committee has publicized its objectives and intervention mechanisms so that large numbers of these young people are becoming aware of the capacity of agriculture to ensure their social well-being, and to provide them with incentives to work on the land. The Committee also has various other integration projects and programmes awaiting financing.

(g) The Urban Public Works Execution Agency

66. The principal aim of this Agency is the rehabilitation of urban infrastructure through a labour-intensive programme of works intended temporarily to alleviate urban unemployment. As a secondary aim, the Agency is responsible for mounting operations requiring various additional sources of funding (in the public and private sectors), and for clearing street gutters and street sweeping.

67. Since its creation in 1990, the Agency has generated 2,357 permanent jobs, broken down as follows:

Town/Jobs	*At 31.12.92*	*1993*	*1994*	*At 30.06.95*	*Total*
Cotonou	405	365	570	741	2 081
Porto-Novo	164	0	35	77	276
Total	569	365	605	818	2 357

(h) Investment Promotion Directorate

68. Its main objective is to offer institutional support to the private sector. Accordingly, its tasks are to:

- have projects submitted for certification under the investment codes evaluated;
- monitor projects submitted for such certification;
- act as secretariat to the Technical Committee on Investments;

- assist promoters in the preparation of project dossiers;

- prepare a register of economic projects.

(i) Retraining and Support Unit for permanent Government officials who have left the Civil Service voluntarily

69. As its title indicates, this unit was set up to train and provide support for permanent government officials who had resigned and had no previous training enabling them to undertake a commercial or agricultural activity. The emphasis is thus on managing micro-enterprises in the commercial and transport sectors and on running agricultural holdings.

(j) National Retraining Unit

70. This unit was set up to improve provision of agricultural services in the context of an overall restructuring exercise. Its aims are to provide information to persons affected by the restructuring measures, to offer them guidance in identifying priority agricultural projects, to help them prepare project dossiers, to offer training appropriate to their needs, and to assist them in preparation of and follow-up to start-up programmes.

(k) Project to support the informal sector in Benin: UNDP/ILO project to support farmers

71. This project is intended to overcome shortages in the urban informal sector, in the areas of equipment, supply, advanced and basic training and technology swaps. Its aim is to assist workers by enabling them to hire the essential equipment they need, and by providing them with labour and supplies. However, the results of all these measures have fallen far short of expectations.

2. Private and cooperative mechanisms

(a) Centre for the promotion and supervision of small and medium-sized enterprises

72. Its task is to promote private initiative by helping to create new enterprises and assisting in the rehabilitation and development of enterprises.

(b) Campus-Benin Programme

73. Its task is to assist in creating, starting up and developing small enterprises requiring financing not exceeding 10-15 million CFA francs. Its aims are to extend a helping hand to promoters, in the form of essential backing and support, to ensure that they have the necessary capacity and tools to launch their products, and to develop solidarity between promoters of similar or different products in the period following the start-up, with a view to encouraging partnerships. The programme is intended to create permanent jobs.

(c) Association to assist the unemployed

74. The Association was set up by a group of about 30 managerial staff in the public administration to alleviate the socio-economic impact of the structural adjustment programme on vulnerable groups, particularly unemployed persons with higher qualifications. Its aims are to develop and encourage a spirit of solidarity and initiative, to encourage the unemployed to form cooperatives or groups as a means of assisting them, to identify, study and seek sources of financing, and to monitor their projects.

(d) Pilot cooperative health clinics scheme

75. This project, a joint initiative by the World Health Organization (WHO) and the Beninese Government, is intended to revitalize the cooperative health clinics, with their potential for job creation, thereby reducing unemployment among young holders of higher qualifications in the health sector to a minimum. It also aims at extending and improving quantitative and qualitative health coverage among the populations of disadvantaged urban and suburban districts.

76. To that end, the project offers information and training to these young people, aimed at encouraging them to form cooperatives. They are trained to provide primary health care through routine preventive, information and rehabilitation measures organized by the Ministry of Public Health.

(e) "Thousand and One Services" Cooperative

77. This cooperative is an initiative launched by the Beninese Association of Unemployed Diploma Holders. Its aims are to initiate income- and employment-generating activities, to create value added, to work for the benefit of the community and to help young people to set up on their own account so as to contribute to the country's development.

(f) Association for the development of village initiatives

78. This NGO's activities to promote grass-roots community initiatives in the villages include literacy programmes, training in cultivation using draught animals, and legal support, offering security for the inhabitants of rural areas, the qualified unemployed, school leavers and apprentices. Its activities lead to the creation of jobs.

(g) "Bénin-Secours"

79. This NGO's main activity is promoting employment through its placement bureau, initiating micro-projects with the potential to generate resources, with a view to strengthening the Association's financial capacity and engaging in humanitarian activities. Between 1993 and 1995 the organization received 1,228 requests for employment and 494 offers of employment, 379 of which it was able to meet.

(h) The Sasa Kawa 2000 global arrangement

80. Its aim is to effect agricultural technology transfers, using seed selection to improve agricultural yields. It also offers study grants for agricultural engineers, and provides theoretical and practical training in the new agricultural technologies for advisory services personnel in rural areas.

(i) Institute for Decentralized Training and Cooperation

81. The purpose of the Institute is to assist in the social and occupational integration of skilled workers, school leavers, apprentices, etc.

(j) "Young Christians for Development" Mutual Association

82. Its aims are to encourage and develop a spirit of creativity, ingenuity and enterprise among young people, to establish young people's cooperatives, and to provide advice, counselling and support for skilled workers and women traders.

(k) Association de Saint Vincent de Paul

83. The aims of this Association are to help persons in difficult social circumstances to become self-sufficient and achieve full physiological, psychological and social development, to encourage such persons to set up on their own account, and to provide them with assistance in health matters.

D. Provisions of the Constitution and Labour Code guaranteeing the right to work and fundamental freedoms

1. The Constitution of the Republic of Benin of 11 December 1990

84. Article 8 of the Constitution provides that the human person is sacred and inviolable and that the State has the absolute obligation to respect and protect it and to guarantee the development of its full potential.

85. Article 9 provides that every human being has the right to the development and full realization of his personal potential in its material, temporal, intellectual and spiritual dimensions, provided he does not violate the rights of others, constitutional order or public morals. Article 15 provides that every individual has the right to life, liberty, security and inviolability of his person. Article 19, second paragraph, provides that any individual or agent of the State shall be absolved from the duty of obedience when the order received constitutes a serious and manifest violation of human rights and public freedoms.

86. Under article 36, every Beninese citizen has the duty to respect and to consider his fellows without discrimination of any kind, and to maintain relations with others such as to safeguard, strengthen and promote respect, dialogue and mutual tolerance with a view to ensuring peace and national cohesion. Article 25 provides that the State shall recognize and guarantee, under conditions fixed by law, freedom of movement, of association, of assembly, of procession and of demonstration. Under article 31, the State recognizes and guarantees the right to strike. Any worker may defend, under the conditions provided by law, his rights and interests whether individually, collectively or by trade union action.

2. Act No. 98-004 of 27 January 1998 establishing the Labour Code of the Republic of Benin

87. Article 10 of this Act provides that employment contracts shall be freely concluded. However, the contract must be concluded in written form in the following cases:

- in the case of a fixed-term contract for a period exceeding one month or requiring the worker's installation in a place other than his habitual residence;
- when the contract must be executed in a place other than the worker's habitual residence;
- in the case of a probationary contract (arts. 20 and 25);
- when the contract is concluded with an immigrant worker;
- when the contract governs an apprenticeship.

88. Under article 12 of the Act, the worker may enter into service either for a specific period or for a specific piece of work, or else for an unspecified period of time that may terminate at the wish of one of the parties, subject to due notice being given. A contract for an unspecified period may be

terminated at the wish of one of the parties provided that the party taking the decision respects the procedure laid down by law in this matter (art. 44 of the Labour Code).

E. Difficulties encountered

89. Measures aimed at achieving full productive employment, in the form of mechanisms to support the promotion of employment, have encountered particular difficulties in respect of which corrective measures have been taken.

90. (1) Principal difficulties:

- absence of an enterprise culture;
- weak capacity of entrepreneurs to mobilize own resources to consolidate their balance sheets;
- fluctuations in climate;
- lack of training in the fields concerned;
- persistence of the bureaucratic mentality.

91. (2) Measures taken to overcome them:

These difficulties have been overcome through such measures as provision of training for promoters and assistance in preparing and following up dossiers and attracting credit. However, it has to be acknowledged that, given Benin's current level of economic development, the State does not yet have the capacity and the material resources to ensure free access by all to productive and freely chosen employment. Consequently, incentives have been introduced to attract private investors to the private sector (e.g. a specific appeal by the Head of State, amendments to the Investment Code, loan windows, etc.).

92. Several seminars and colloquies have also been held, as part of the effort to find ways of ensuring minimum social standards.

93. In Benin there are no distinctions, exclusions, restrictions or preferences, whether in law or in administrative practices or in practical relationships between persons or groups of persons, made on the basis of race, colour, sex, religion, political opinion, nationality or social origin, which have the effect of nullifying or impairing the recognition, enjoyment or exercise of equality of opportunity or treatment in employment or occupation.

94. The Constitution of 11 December 1990 guarantees citizens equal access to health, education, culture, occupational training and employment (art. 8). It also provides that every human being has the right to the development and full realization of his personal potential in its material, temporal, intellectual and spiritual dimensions (art. 9), as well as the right to culture (art. 10).

95. In addition, the State shall recognize the right of all citizens to work, and shall strive to create the conditions which make the enjoyment of this right effective and which guarantee the worker fair remuneration for his services or production (art. 30). Any worker may defend, under the conditions provided by law, his rights and interests, whether individually, collectively, or by trade union action (art. 31).

96. In order to avoid any confusion, the Labour Code defines the term "worker" as any person who, regardless of sex or nationality, has undertaken, in exchange for remuneration, to place his or her activity under the direction and authority of another natural or legal person, whether public or private. Determination of the quality of worker does not take account of the legal status of the worker or of the employer (art. 2). Article 208 of the Code provides for equal remuneration for all workers for work of equal value, regardless of their origin, sex, age, status and religious denomination.

97. Relations between employers and workers in private-sector enterprises carrying on their activities in Benin are governed without distinction by the General Collective Labour Agreement and by specific collective agreements, whose provisions must not establish conditions less favourable than those of the Labour Code (art. 1 of the General Collective Labour Agreement).

98. (3) With regard to the civil service, access to higher posts is determined by the Government on a discretionary basis, by decree, and the persons appointed under this procedure, whether or not established civil servants, may be removed from their posts at any time. Moreover, appointment to a State post is conditional on holding Beninese citizenship and enjoyment of the rights pertaining to such citizenship.

99. Non-nationals may not enter into employment contracts other than for a fixed term during the first two years of their regular residence in the territory, except where there is provision to the contrary in an agreement or convention concluded by the Republic of Benin (art. 26 of the Labour Code). Moreover, the staff regulations of certain entities may, because of the inherent requirements of a particular job, restrict access thereto to candidates of one or the other sex (see articles 11 and 12 of the State Agents (General Regulations) Act, No. 86-103 of 26 February 1986).

100. No one may be a trade union official unless he has Beninese nationality or is a migrant worker regularly established in the national territory and enjoying civic rights (art. 82 of the Labour Code). No dispute, controversy or difficulty in implementation has arisen in application of the principle of non-discrimination in this context since the adoption of the present Labour Code.

101. No statistics are available concerning the proportion of the labour force holding several full-time jobs concurrently. The Labour Code discourages this practice. Under article 59 of the Code, the new employer is jointly and severally liable for any injury caused to the previous employer if he has taken on a worker whom he knew to be already bound by an employment contract, or if he has continued to employ that worker after learning that he was still bound by an employment contract.

Article 7

102. Benin has ratified the ILO Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (No. 100), adopted on 29 June 1951, and the problems arising from its application have been regulated by the enactment of the new Labour Code. Benin has ratified the ILO Weekly Rest (Industry) Convention, 1921 (No. 14), and submits periodic reports thereon to the ILO Committee of Experts. It has not ratified the Occupational Safety and Health Convention, 1981 (No. 155). However, the National Assembly has already authorized ratification of the Occupational Health Services Convention, 1985 (No. 161), and the ratification process is under way.

103. Wages are fixed by regulation in the civil service, and by contract and agreement in the private and semi-public sectors.

104. The Guaranteed Minimum Inter-Occupational Wage (SMIG) is the sole minimum wage regime. It is applicable to every worker engaged in tasks requiring no prior training.

105. (i) It is binding in effect.

106. (ii) Its value is guaranteed by the findings of the "basket of household goods" survey and by the ability of the enterprises to pay at the time it is determined. It has to be acknowledged, however, that the amount fixed after consultation with employers' and workers' organizations does not fully cover the cost of living for wage earners without occupational qualifications.

107. (iii) The procedure for fixing the minimum wage may be triggered at the request either of the employees' organizations or on the Government's initiative.

108. In either case, representatives of the Government, employers and workers carry out surveys on the cost of living of the lowest category of workers. On the basis of the results of these surveys, negotiations between employers and workers are convened by the Minister of Labour, and take place in the National Labour Council, in the presence of representatives of the State acting as arbitrators and expert consultants. If the negotiations end in consensus, the agreed minimum wage is adopted.

109. In the absence of consensus, the Government, having regard to the minimum wage proposed by each of the two parties, and to the capacity to pay of the employer with the lowest such capacity, sets the guaranteed minimum inter-occupational wage proposed by the Minister of Labour, by decree.

110. It should be noted that even when the minimum wage is fixed by consensus, the Government always fixes it by decree.

111. The minimum wage is monitored by the Minister of Labour by means of inspections and ad hoc controls performed by the competent labour services in the workplace. Furthermore, all workers, having been informed of the amount of the minimum wage through the media, may appeal to those services if their employers do not comply with the minimum wage requirement.

112. The mechanism for adjusting the minimum wage follows the same procedure as the mechanism for setting it, and is dependent on the state of the domestic economy and pressure from workers. It should be noted, however, that the minimum wage is not tied to the cost of living. There is no indexing mechanism.

113. The mechanism described above is the one applied in the private and semi-public sectors. Minimum wage negotiations in the civil service do not follow this procedure, and representatives of civil servants are given less freedom in negotiations.

114. (iv) Minimum wage trends:

- from 1983 to 1993, the minimum wage was 13,904 CFA francs;
- in January 1994 it was fixed at 20,300 CFA francs;
- since July 1997 it has been fixed at 21,501 CFA francs.

115. (v) Average wage trends by branch of activity from 1983 to June 1994
(average wage = average of minimum and maximum wages)
(CFA francs; 1 CFA franc = 0.001 French francs)

Commerce, legal consultancies and similar services:

(CFAF 13,903 + CFAF 108,461) / 2 = CFAF 61,182

Vehicle drivers:

- passenger vehicles or goods vehicles below 3 tonnes laden:

  (CFAF 20,730 + CFAF 26,805) / 2 = CFAF 23,767.50

- Heavy goods vehicles (HGV), 3 - 5 tonnes:

  (CFAF 22,325 + CFAF 29,375) / 2 = CFAF 25,850

- HGVs (5 tonnes +) or towing vehicles with trailer (payload = vehicle + trailer combined):

  (CFAF 23,322 + CFAF 30,055) / 2 = CFAF 26,688.50

- Public transport:

  (CFAF 25,913 + CFAF 34,775) / 2 = CFAF 30,344

- HGV (12 tonnes and over, with or without trailer):

  (CFAF 35,022 + CFAF 41,250) / 2 = CFAF 38,136

Banks and financial establishments or similar:

(CFAF 15,071 + CFAF 132,652) / 2 = CFAF 73,861.50

Catering (retail drinking premises, bars, restaurants):

(CFAF 13,903 + CFAF 108,760) / 2 = CFAF 61,331.50

Chemical industry:

(CFAF 13,903 + CFAF 108,760) / 2 = CFAF 61,331.50

Food industries:

(CFAF 13,903 + CFAF 134,961) / 2 = CFAF 74,432

Construction and public works:

(CFAF 13,903 + CFAF 82,055) / 2 = CFAF 47,979

General mechanical:

(CFAF 13,904 + CFAF 108,898) / 2 = CFAF 61,401

Domestic service:

(CFAF 13,904 + CFAF 28,177) / 2 = CFAF 21,040.50

116. (vi) Average wage trends by branch of activityMay 1994 - December 1996

Commerce, legal consultancies and similar services:

(CFAF 20,300 + CFAF 124,731) / 2 = CFAF 72,515.50

Vehicle drivers:

- passenger vehicles or goods vehicles below 3 tonnes laden:

  (CFAF 27,986 + CFAF 36,187) / 2 = CFAF 32,086.50

- Heavy goods vehicles (HGV), 3 - 5 tonnes:

  (CFAF 30,139 + CFAF 39,657) / 2 = CFAF 34,898

- HGVs (5 tonnes +) or towing vehicles with trailer (payload = vehicle + trailer combined):

  (CFAF 31,485 + CFAF 40,575) / 2 = CFAF 36,030

- Public transport:

  (CFAF 32,392 + CFAF 43,469) / 2 = CFAF 37,930.50

- HGV (12 tonnes and over, with or without trailer):

  (CFAF 43,778 + CFAF 51,625) / 2 = CFAF 47,701.50

Banks and financial establishments or similar:

(CFAF 22,040 + CFAF 59,049) / 2 = CFAF 40,544.50

Catering (retail drinking premises, bars, restaurants):

(CFAF 20,300 + CFAF 125,074) / 2 = CFAF 72,687

Chemical industry:

(CFAF 20,300 + CFAF 124,731) / 2 = CFAF 72,515.50

Food industries:

(CFAF 20,300 + CFAF 155,206) / 2 = CFAF 87,753

Construction and public works:

(CFAF 20,300 + CFAF 170,196) / 2 = CFAF 95,248

General mechanical:

(CFAF 20,300 + CFAF 170,196) / 2 = CFAF 95,248

Domestic service:

(CFAF 20,300 + CFAF 38,039) / 2 = CFAF 29,169.50

117. (vii) Average wage trends by branch of activity since January 1997

Commerce, legal consultancies and similar services:

(CFAF 21,924 + CFAF 129,720) / 2 = CFAF 75,822

Vehicle drivers:

- passenger vehicles or goods vehicles below 3 tonnes laden:

  (CFAF 30,225 + CFAF 39,225) / 2 = CFAF 34,725

- Heavy goods vehicles (HGV), 3 - 5 tonnes:

  (CFAF 32,550 + CFAF 42,830) / 2 = CFAF 37,690

- HGVs (5 tonnes +) or towing vehicles with trailer (payload = vehicle + trailer combined):

  (CFAF 33,374 + CFAF 43,010) / 2 = CFAF 38,192

- Public transport:

  (CFAF 34,336 + CFAF 46,077) / 2 = CFAF 40,206.50

- HGV (12 tonnes and over, with or without trailer):

  (CFAF 46,405 + CFAF 54,723) / 2 = CFAF 50,564

Banks and financial establishments or similar:

(CFAF 23,764 + CFAF 158,652) / 2 = CFAF 91,208

Catering (retail drinking premises, bars, restaurants):

(CFAF 21,924 + CFAF 130,077) / 2 = CFAF 76,000.50

Chemical industry:

(CFAF 21,924 + CFAF 129,720) / 2 = CFAF 75,822

Food industries:

(CFAF 21,924 + CFAF 161,414) / 2 = CFAF 91,669

Construction and public works:

(CFAF 21,924 + CFAF 177,004) / 2 = CFAF 99,464

General mechanical:

(CFAF 21,924 + CFAF 170,196) / 2 = CFAF 96,060

Domestic service:

(CFAF 21,924 + CFAF 40,321) / 2 = CFAF 31,122.50

118. (viii) Application of the minimum wage regime is effectively monitored by the Minister of Labour, through controls carried out in enterprises and companies by the Labour and Manpower Inspectorate. Controls are also conducted in the course of labour dispute settlement proceedings.

Monitoring of the minimum wage regime is effective but sporadic, owing to a shortage of means of transport and human resources.

119. Article 208 of the Labour Code provides for equal wages for work of equal value, for all workers, regardless of their origin, sex, age, status and religious denomination. The minimum wage scales for the various occupational categories are determined in advance by the legislative and regulatory texts. This is also the case in the civil service (see arts. 16, 25 and 128 of the State Agents (General Regulations) Act). At the legal level, there is thus no inequality of remuneration for work of equal value.

120. However, the law gives any worker claiming to be the victim of this form of discrimination the right to go before the labour services and the competent courts to avail himself of his rights. It should be noted that the informal sector is still ill-defined and poorly controlled, and that this may give rise to discrimination, with workers themselves acting in complicity with their employers. However, whenever the labour services are informed or approached, they attempt to inform the employer and rectify matters. There is no specific discrimination against women in this area, and, as previously noted, they too have the right to complain if their right to equal pay is violated.

121. Article 302 of the Labour Code provides for fines where this right is violated. The amount varies from CFA francs 14,000 to CFA francs 70,000, and, in the case of a further offence, from CFA francs 70,000 to CFA francs 140,000. It also provides for penalties of between 15 days' and 2 months' imprisonment. The competent courts may also require employers in breach of this regulation to pay damages. To date, no violations have come to the attention of the authorities.

122. An objective appraisal of jobs is conducted on the basis of the International Standard Classification of Occupations.

123. Civil servants' income comprises the following components:

- gross salary;
- residence allowance;
- housing allowance;
- family allowances.

124. Income of wage-earners in the private and semi-public sectors breaks down as follows:

- basic wage;
- contractual allowances, premiums and bonuses (for travel, length of service, positions of responsibility, efficiency, household needs, accommodation, etc.);
- family allowances.

Legislative texts of general interest

(a) Decree No. 96-608 of 27 December 1996

125. This decree establishes a health department within the Labour Directorate. Its tasks are to:

- study safety and health conditions in the workplace;

- formulate and monitor occupational health policy;

- educate workers in health in the workplace and prevention of occupational accidents and occupational diseases;

- control and coordinate the activities of medical services within and among enterprises;

- update health statistics;

- arrange for a medical examination on taking up employment, and for regular annual medical examinations for all workers in the public, semi-public and private sectors.

(b) Act No. 98-004 of 27 January 1998 establishing the Labour Code in the Republic of Benin

126. Article 293 of this Act provides for the establishment of a National Commission for Safety and Health in the Workplace, within the Ministry of Labour, composed of:

- workers' representatives;

- employers' representatives;

- representatives of the national administrative bodies and organs responsible for civic and health protection, road safety, and the fire service;

- experts in health and safety at work.

127. The Commission's task is to study problems of health and safety in the workplace and to make suggestions and provide opinions concerning regulation of these issues, and on the general pattern and implementation of the national policy for the prevention of occupational risks. The Commission is not yet operational. Its duties are currently performed by the National Labour Council.

128. Articles 182 to 197 of the Act establish the rights and obligations enumerated below.

129. In order to protect workers' lives and health, the employer must take all measures appropriate to the enterprise's operating conditions, inter alia, by keeping its installations properly maintained and by regulating its work so as to protect employees as effectively as possible against accidents and diseases, with a view to ensuring their physical, mental and social well-being.

130. The employer must keep the premises clean at all times; install and maintain the machines, mechanical installations, transmission gear, tools and equipment with the highest possible regard to safety; and isolate the motors and moving parts of the machines with partitions or protective barriers, particularly where they are within the reach of workers.

131. The employer must organize appropriate practical training in health and safety for new employees and those changing their job or work methods, or resuming activity after more than six months' absence from work.

132. In every workplace in which more than 25 persons are permanently employed, two or three workers must be trained in the administration of first aid.

133. No alcoholic beverage or tobacco in any form is to be brought into or distributed in the workplace. Only the employer may distribute water or non-alcoholic beverages on the premises, and these beverages must be checked periodically by the Labour Inspectorate.

134. The employer, or his representative, must ensure constant monitoring of compliance with the health and safety regulations. For their part, employees must make proper use of the health and safety facilities. They must inform the head of the enterprise, or his agent, and the staff delegates, of any serious or imminent risk that could arise in the conduct of their work and, where appropriate, discontinue the work or refrain from embarking on it, without exposing themselves to the risk of sanctions by so doing.

135. The general health and protection measures applicable to all establishments and enterprises subject to the Labour Code, as well as the particular provisions relating to certain specific occupations, tasks, operations or work methods, are to be determined by decrees of the Minister of Labour.

136. Any establishment or enterprise subject to the Labour Code must have a health and safety committee. The same applies to all establishments habitually employing 30 or more workers. Even in the case of enterprises, establishments or construction sites employing fewer than that number of workers, the Labour Inspector may require such a committee to be set up, given the nature of the work and the particular risks to which the workers are exposed.

137. Pursuant to the provisions of article 188, the health and safety committee shall comprise:

In establishments and enterprises:

- the head of the undertaking, who shall act as its chairman;
- the chief safety officer or a superintendent;
- two staff delegates, or three where the total number of employees is more than 100;
- the doctor or nurse attached to the enterprise.

On construction sites:

- one of the heads of the undertakings involved in the work, who shall act as its chairman;
- each enterprise's chief safety officer;
- the doctor or nurse responsible for the site workers;
- two representatives of the workforce.

138. On construction sites, the committee is known as the inter-enterprise health and safety committee. Its tasks are to:

- study health and safety conditions in the workplace;

- ensure application of legislation, regulations and instructions concerning health and safety;

- conduct inquiries into the causes of serious occupational accidents and occupational diseases, and propose appropriate remedial measures;

- draw up and carry out a programme to improve health and safety levels in the enterprise's operations;

- compile statistics on accidents at work and occupational diseases;

- provide all workers with information concerning health protection and sound work practices;

- encourage, maintain and develop an awareness of safety among employees;

- take any necessary action to promote safer work methods and procedures;

- educate workers in hygiene, safety and health in the workplace;

- ensure that fire and rescue teams are set up and trained, and that rescue and fire drills are held regularly;

- assist in identifying sources of pollution and preparing an emergency intervention plan (art. 189).

139. The Act also allows members of the committee an annual credit of 15 working hours for the performance of their duties. The time required for meetings of the committee is not included in this time credit, and is also to be counted as working hours (art. 191).

140. The Act also requires any dangers or breaches to have been eliminated within a period of four clear days. The employer is required to inform the Labour Inspector within 48 hours of any accident or occupational disease occurring in the enterprise. The declaration may be made by the employee or his representatives within a period of two years following the date of the accident or the first medical identification of the occupational disease.

141. The competent labour departments provide ongoing assistance to heads of undertakings in ensuring the effectiveness of the new health and safety committees. To that end, every enterprise or establishment must provide its employees with a medical or health service (arts. 194-201 of the Labour Code).

142. It should be noted, however, that the health and safety committees are not yet operational.

143. There are also other provisions determining standards and measures relating to the protection of workers' health.

(c) Other texts

144. - Ordinance No. 10 PCM of 21 March 1959 establishing a regime of compensation for and protection against accidents at work and occupational diseases, amended by Decree No. 88-358 of 2 September 1988, revising the list of occupational diseases and its annexes in the Republic of Benin;

- the General Collective Labour Agreement of 17 May 1974;

145. - General Order No. 5253/IGTLS/AOF of 19 July 1954, determining general health and safety measures applicable to workers in establishments of all kinds in French West Africa;

- General Order No. 8845/IGTLS/AOF of 15 November 1955, listing the establishments in which unhealthy or grimy work is performed, and determining the conditions in which shower-baths are to be made available to workers in these establishments;

- General Order No. 396/IGTLS/AOF of 18 January 1955, determining the modalities for implementing the statutory provisions concerning medical or health services in enterprises;

- General Order No. 397/IGTLS/AOF of 18 January 1955, classifying enterprises with regard to determining minimum resources required of employers in matters of medical and health personnel;

- Order No. 398/IGTLS/AOF of 18 January 1955, setting out the conditions under which first-aid rooms are to be set up and equipped with medicinal products, dressings and first-aid kits;

146. - Circular No. 359/MFPT/DGTMOLS/IMTMO of 14 March 1974, concerning conditions of recruitment of doctors in enterprises;

- Circular No. 441/MSP/DGM/IMT of 29 July 1977, stressing the obligation for all enterprises and establishments to provide a medical or health service for their employees;

- Circular No. 170/MSP/DGM/IMT of 25 November 1981, concerning the classification of enterprises with regard to determining minimum medical and health staff resources required of employers;

- Circular No. 025/MTAS/DGM/IMT of 5 January 1984, concerning recruitment and duties of doctors and nurses in enterprises;

- Circular No. 048/MSP/DGM/IMT of 4 June 1978, concerning the utilization of individual and collective means of protection to be made available to workers by employers;

- Order No. 151/MTEAS/DC/DT/SST of 10 July 1992, regulating medical examinations on commencement of employment and regular periodic examinations;

- Circular No. 045/MTEAS/DC/DT/SST of 14 January 1994, establishing health and safety committees and defining their operational methods and duties.

Other texts concern specific activities.

Texts concerning specific activities

147. (a) Regulations

- Order No. 8821/IGTLS/AOF of 14 November 1955, determining the particular health measures applicable in establishments whose workers are exposed to anthracic infection;

- Order No. 8822/IGTLS/AOF of 14 November 1955, determining the precautions to be taken for the protection of workers carrying out spray-painting or spray-varnishing work;

- Order No. 8823/IGTLS/AOF of 14 November 1955, concerning protection and health measures to be taken when working with compressed air equipment;

- Order No. 8825/IGTLS/AOF of 14 November 1955, determining the specific health and safety measures applicable to construction sites and public works in French West Africa;

- Order No. 8827/IGTLS/AOF of 14 November 1955, determining the specific health and safety measures applicable to establishments in French West Africa whose workers are exposed to the risk of lead poisoning;

- Order No. 8828/IGTLS/AOF of 14 November 1955, concerning precautions to be taken for workers working with quick-setting cement;

148. - Order No. 8829/IGTLS/AOF of 14 November 1955, prohibiting the use of white lead, lead sulphate and linseed oil containing lead in house-painting work;

- Order No. 8830/IGTLS/AOF of 14 November 1955, determining the specific health and safety measures applicable in factories and plants for husking groundnuts;

- Order No. 9135/IGTLS/AOF of 23 November 1955, determining specific measures applicable in cotton and kapok ginning plants;

- Order No. 9389/IGTLS/AOF of 30 November 1955, determining the specific health and safety measures applicable in establishments whose workers are exposed to the risk of benzene poisoning;

- Order No. 10153/IGTLS/AOF of 22 December 1955, establishing special health and safety regulations in quarries and their outlying installations in French West Africa;

- Order No. 1339/IGTLS/AOF of 13 February 1956, determining the special measures to be taken to protect workers in establishments using electricity.

These various texts impose obligations both on employers and on employees, which can be summarized as follows.

(b) Obligations of the employer in health matters

149. The employer must keep the premises and place of work clean at all times. Accordingly, the floors must be properly swept, the walls and ceilings whitewashed. Courtyards and approaches to the premises must also be kept clean. He must provide proper ventilation and lighting. The atmosphere must be healthy and protected from fumes from drains, cesspools or sources of toxicity.

150. The employer must take steps to avoid extremes of heat, cold, humidity or dryness. Unpleasant or toxic dust and gases must be extracted directly from the premises using appropriate techniques. The employer must make masks and appropriate protective devices available to employees liable to be exposed to irritant or toxic dust, vapour or gases, and ensure that they are used effectively.

151. Places of work, their outbuildings, passageways, corridors and stairways must be sufficiently well lit to guarantee the safety of the work and of transit and to avoid the health problems associated with poorly lit places of work. Drinking water, washbasins, showers, changing rooms, toilets and overalls must also be made available to workers.

(c) Obligations of the employer in safety matters

152. The employer must identify and adequately protect flammable materials. He must provide the premises with exits to enable employees and customers to be evacuated rapidly in the event of fire, and must display notices giving instructions to be observed in the event of fire. Any outbreak of fire must be rapidly and effectively combated. Every enterprise must thus possess an adequate number of fire extinguishers, in good working order, of sufficient power and containing an appropriate product with which to combat the risk.

153. In any event, the employer must take precautions to protect both property and lives. Accordingly, the employer has full responsibility for the proper functioning of the equipment, which he is obliged to maintain in good working order, and for ensuring that the equipment, installations and techniques used do not put the employee at risk. Accordingly, scaffoldings, ladders, lifts, elevators, hoists and machines of all kinds must be protected and properly supervised.

154. As far as is possible, the employer must purchase only appliances fitted with integrated safety devices. He must install individual and collective protective gear to ensure the bodily protection of the worker from the physical, chemical and biological factors responsible for occupational risks. He must train and educate employees to that end.

155. Furthermore, any industrial undertaking in the construction and public works sector with a workforce of 30 or over, including temporary and part-time employees, must set up a health and safety committee with the task of ensuring employees' safety and health and proposing any measures necessary to prevent occupational risks in the enterprise. Such measures must also include education and training of employees with regard to the risks they run in the enterprise and particularly in their own specific job, and also with regard to the need to comply with the rules and safety provisions in order to avoid those risks.

156. Employers are also required to set up a medical service in the enterprise. The minimum number of personnel in the medical service is as follows:

Category of enterprise	*Number of workers*	*Medical personnel*
Category 1	1000 or more	1 doctor, 2 State-registered nurses + 1 additional nurse for each 500 workers above 1000
Category 2	750-999	1 doctor, 2 nurses
Category 3	250-749	1 doctor (part-time) or 1 full-time State-registered doctor.1 permanent State-registered nurse
Category 4	100-249	1 permanent nurse
Category 5	Below 100	1 part-time nurse

157. Special measures to protect workers may also be recommended to the employer by the occupational health department, depending on the level of risk and the extent of pollution in the enterprise. In practice, it has been noted that doctors in enterprises devote more time to treatment than to prevention.

158. For this reason, the Ministry of Labour, with financial and technical assistance from ILO, set up a pilot project to train 25 doctors in high-risk enterprises in occupational health and safety. This training enabled these doctors to gain an awareness of the crucial role of prevention in their activities. This initiative could have been extended to include doctors and nurses in other enterprises if the Ministry had had sufficient resources. Support from the international community in extending this training to other enterprises will make it possible to reduce the cost of treatment, which is often disproportionately high compared to the costs of prevention.

159. In addition to these measures to be taken by employers, employees too have certain obligations, also set out in the texts cited above.

(d) Obligations of employees

160. Workers must comply strictly with the occupational health provisions, particularly as regards:

- performance of their work;
- use of the equipment, gear, machinery and installations at their disposal;
- use of the individual protective gear supplied to them;
- instructions in case of fire.

161. They must not tamper with, remove, destroy or take away the notices and instructions displayed in the workplace or the alarm systems that have been installed.

162. They are obliged to inform the employer, his agent or the chief safety officer of any abnormal situation liable to endanger workers or the enterprise (defective installations, machinery, apparatus, gear, safety devices, etc.).

163. Implementation of these requirements is monitored by the provincial labour departments, with support from the national occupational health department and the multidisciplinary occupational health and safety team.

164. Failure by the employer or employee to comply with these obligations may result in the imposition of penalties on the culprit after issuance of a notice of default, in accordance with the established procedure. Penalties may range from fines to imprisonment for the employer, or, for the employee, take whatever form is decided by the employer in the exercise of his disciplinary powers (warning or rebuke, official reprimand, one week's suspension without pay, dismissal with or without notice, etc.).

165. No category of worker is excluded from the regimes applicable in occupational health matters. However, the informal sector, which remains ill-defined, undoubtedly conceals irregularities of which the departments responsible for monitoring implementation of the legislative and administrative measures are not fully aware, owing to the fact that they do not have even the bare minimum number of staff they need in order to perform their duties.

166. In the event of a post falling vacant or being created, employers must, as far as is possible, give preference to employees already working in the enterprise. Only where no employee meeting the requirements for the post is to be found may employers recruit an external candidate (art. 32 of the General Collective Labour Agreement).

167. Promotion of civil servants is decided on the basis of the order established in the annual promotion table drawn up at the proposal of the supervisory ministry by the Minister for the Civil Service, following a favourable opinion of a promotion committee.

168. Officials seeking promotion to the lower level of the intermediate grade must have completed two years' service at the higher level in the initial grade, and have eight years' effective service in the department concerned. Officials seeking promotion to the lower level of the normal class in the final grade must have completed two years' service at the higher level in the intermediate grade, and must have 14 years' effective service in the department, six of them in the intermediate grade.

169. Officials seeking promotion to the exceptional class in the final grade must have completed two years' service in the higher level of the normal class in the final grade, and must have 20 years' effective service in the department, six of them in the normal class of the terminal grade. Officials who have completed two years' service in the exceptional class in the final grade may be promoted to the unclassified grade. However, such promotion is conditional on a special recommendation and takes place without reference to the quotas, following a favourable opinion of a promotion committee.

170. No group of workers is excluded from effective application of the principle of equal opportunity for promotion. Consequently, women receive the same treatment as men.

Laws and practices regarding rest, periodic holidays and public holidays

(a) Rest

171. See the Labour Code, the General Collective Labour Agreement, and specific agreements and employer/employee agreements. The working week is 40 hours in public and private enterprises other than agricultural enterprises, where the working year is 2,400 hours (arts. 142 and 143 of the Labour Code and art. 41 of the General Collective Labour Agreement). A weekly rest period is compulsory. That period shall be at least 24 hours (art. 156 of the Labour Code).

(b) Holidays

172. The entitlement is two days per month of effective service, i.e. 24 working days annually in the private and semi-public sectors. The entitlement is increased by two, four or six days where the person has worked continuously in the same enterprise for 20, 25 or 30 years respectively, as is the holiday allowance (art. 158 of the Labour Code).

173. Women wage-earners or apprentices under 21 years of age are entitled to two days' additional holiday for every dependent child. Those over the age of 21 are entitled to two days' additional holiday for each dependent child from the fourth on. The additional holiday for mothers is reduced to one day if the length of the normal holiday, determined pursuant to the other provisions of this article, does not exceed six days.

174. Absences resulting from accidents at work or occupational diseases, rest periods for women following confinement, and sick leave on production of a doctor's certificate, up to a maximum of six months, are not deductible from the duration of the holiday entitlement (art. 158 of the Labour Code).

175. Furthermore, up to a maximum of 10 days, exceptional leave granted to an employee in connection with family events directly affecting his home, authorizations for unpaid leave up to an annual maximum of 15 working days, either to attend an official course of in-service training,

physical or sports education, or to represent the Republic of Benin in an international sporting event, or to attend trade union congresses or trade union training sessions to which the employee is sent with a view to qualifying him to hold a permanent position, are not deductible from the duration of paid holidays (art. 159 of the Labour Code). In the civil service, the holiday entitlement is 30 consecutive days' holiday for one year of completed service (art. 80 of the State Agents (General Regulations) Act).

(c) Public holidays

176. Public holidays (paid when they fall on working days) are fixed by Act No. 90-019 of 27 July 1990 and article 157 of the Labour Code. They are as follows:

- 1 January (New Year's Day);
- 1 May (Labour Day);
- 1 August (National Day);
- 15 August (Feast of the Assumption);
- 1 November (All Saints);
- 25 December (Christmas Day);
- Easter Monday;
- Whit Monday;
- Ascension Day;
- Ramadan;
- Tabaski;
- Moulouds.

177. The following dates are National Days in the Republic of Benin:

- 16 January (Remembrance Day);
- 28 February (Sovereignty of the People Day);
- 8 March (Women's Day).

National Days are not public holidays.

178. Act No.97-031 of 20 August 1997 establishing an annual holiday for the traditional religions declares 10 January a paid public holiday. Other days not established by law are declared public holidays by the Government in certain circumstances.

179. Leisure is organized freely, either individually or by private groups of entertainers (theatrical groups, musicians, etc.), or by the Ministries of Culture and Tourism (football, volleyball, handball, basketball, visits to tourist sites, museums, zoos, etc.).

(d) Effective enjoyment of these rights

180. Certain factors affect the exercise of these rights, among them:

- difficulty in monitoring the informal sector;

- factories that operate round the clock;

- the nature of part-time work.

However, in round-the-clock operations, where the work is generally done by shift workers, the weekly rest forgone on Sundays is taken on another day.

181. When contractual workers cannot work for a full year, their holidays are prorated and a compensatory holiday allowance is paid. Workers in the formal or informal sectors claiming that their rights in this regard have been infringed can complain to the appropriate employment department.

182. There are no workers in Benin to whom the rights to rest, periodic holidays, leisure, reasonable working hours and remuneration for public holidays are not accorded. If such a situation is brought to the attention of the labour departments, they must require the employer to comply with the legislation. In the event of his failure to comply, the Labour Inspector must refer the matter to the Labour Tribunal.

183. To summarize, current cost-of-living levels make it impossible to assess the Government's efforts in this area at their true worth. International assistance could play a role in helping Benin to achieve a higher level of development.

Article 8

184. Benin has ratified the ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No.87) and the ILO Right to Organize and Collective Bargaining Convention, 1949 (No.98). It is also a party to the International Covenant on Civil and Political Rights, adopted on 16 December 1966. Benin has already submitted several reports on ILO Conventions Nos. 87 and 98.

185. Application of Convention No. 87 has prompted some observations by the ILO Committee of Experts on the Application of Conventions and Recommendations, with regard to Ordinance No. 69-14 concerning the exercise of the right to strike. That Ordinance, which allows the central authorities, and even heads of service, to requisition any workers they may require, in the higher interest of the State, even when a minimum service has been organized by the strikers, does not comply with the provisions of Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize, or with those of the Forced Labour Convention, 1930 (No. 29). However, these observations, together with others, have been taken into account in the new draft law regulating exercise of the right to strike in Benin, which has already been tabled in the National Assembly.

Substantive and formal conditions for forming and joining a trade union (arts. 79-92 of the Labour Code and art. 47 of the State Agents (General Regulations) Act)

186. Freedom of association: employees and employers, without distinction of any kind, have the right freely to form trade unions in sectors of activity and geographical sectors they may determine. The same is true of minors over 15 years of age. They also have the right freely to join and to leave trade unions. That right also applies to former workers and former employers who have exercised their activity for at least one year. Self-employed operators employing no staff also have the right to form a trade union.

187. The purpose of the trade unions is exclusively to study and defend the material and moral, collective and individual rights and interests of the persons and occupations covered by their statutes. They freely draw up their statutes and functional rules, decide freely on their programmes of action, freely organize their activities and freely elect their representatives.

188. Persons forming an occupational trade union must deposit the statutes and the names, nationalities, occupations, places of residence and capacities of the members responsible for its management or administration, with the registry of the local court of first instance, with the Ministry of the Interior, with the Ministry of Labour, and with the local administrative authority, within three months of its formation. In the case of civil servants, the statutes of their trade union must be deposited with their supervisory ministry and the Ministry of Labour. Any amendment to these statutes, and any change in the composition of its leadership or in its administration, must be brought to the attention of the above-mentioned authorities.

189. Trade unions freely elect their representatives. However, only Beninese nationals or migrant workers regularly established in the national territory and enjoying their civic rights may take responsibility for managing or organizing a trade union. The administrative authorities may neither dissolve nor suspend the trade union.

Legal and practical restrictions on freedom of association

190. Article 11, paragraph 7, of the Armed Forces (General Regulations) Act, No. 81-014 of 10 October 1981, prohibits military personnel from being members of groups established for the purpose of upholding occupational claims.

191. Regularly constituted occupational trade unions may work together freely in concertation in order to study and defend their interests. They may unite to form a federation of any sort, and enjoy all the rights conferred on occupational trade unions. They may conclude contracts or agreements with any other trade unions, companies, enterprises or persons. They may also become affiliated to international organizations (see article 81 of the Labour Code and article 8 of the ILO Freedom of Association and Protection of the Right to Organize Convention (No. 87), ratified by the Republic of Benin, which, pursuant to articles 41 and 147 of the Constitution, must be respected and prevails over domestic law).

192. Pursuant to articles 85 and 86 of the Labour Code and article 47 of the State Agents (General Regulations) Act), trade unions have locus standi and may, before any court, exercise all the rights reserved to civil parties regarding acts causing direct or indirect harm to the collective interests of the occupation they represent. No restrictions are placed on the exercise of this right in practice.

Guarantees of trade union rights

193. These rights are guaranteed insofar as no legal provisions or practical measures exist to restrict or prohibit the rights recognized by the legislation cited above.

194. In addition, trade unions are coordinated nationwide by five central confederations of employees' trade unions and a Beninese National Council of Employers. These are:

- the National Union of Employees' Trade Unions of Benin;
- the Central Federation of Autonomous Trade Unions of Benin;
- the Central Federation of Beninese Workers' Trade Unions;
- the General Confederation of Beninese Workers;
- the Central Federation of Independent Trade Union Organizations.

195. These trade union organizations are also affiliated to the international trade union organizations of their choice. Thus:

- the National Union of Employees' Trade Unions of Benin is affiliated to the International Confederation of Free Trade Unions;

- the Central Federation of Autonomous Trade Unions of Benin is affiliated to the International Confederation of Free Trade Unions, to the General Confederation of Labour, and to the Afro-American Labour Centre;

- the General Confederation of Beninese Workers is affiliated to the World Confederation of Labour and the Democratic Trade Union Organization of African Workers;

- the Central Federation of Beninese Workers' Trade Unions is affiliated to the French General Confederation of Labour and to the Entente Internationale des Travailleurs;

- the Central Federation of Independent Trade Union Organizations has still to inform us of the international organizations to which it is affiliated;

- the Beninese National Council of Employers is affiliated to the International Organization of Employers.

Conditions concerning the right of trade unions to function freely

196. These relate to disclosure, assignment of their property, and the income that some of their activities or property may generate.

197. Thus, as regards disclosure:

Trade unions may take on legal personality only if the persons forming them deposit their statutes and the names, nationalities, occupations, places of residence and capacities of the members responsible for their direction or administration, together with any changes in these details, within three months of the event giving rise thereto:

- with the registry of the court of first instance (one copy);

- with the Ministry of the Interior (two copies);

- with the local administrative authority (one copy);

- with the Ministry of Labour (two copies) (art. 8 of the Labour Code).

198. As regards assignment of their property:

This may be done only in accordance with the statutes, or, failing that, pursuant to the rules determined by the general assembly, in the event of a voluntary or statutory dissolution or following a court decision. However, the property may not be divided up among the members (art. 84).

199. As regards income or property generated by their activities:

Trade unions may constitute special mutual aid and pension funds for their members. Movable and immovable property definitively acquired and necessary for the trade unions to carry

on their activities are unseizable. Trade union organizations may constitute their financial resources through membership fees and levies, income from cultural and sporting events, donations and legacies, borrowing and other extraordinary resources decided by their general assembly.

Measures taken to promote free collective bargaining

200. The Labour Code recognizes the right to conclude collective labour agreements and establishment agreements. The Republic of Benin has also ratified the ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98). Benin has a General Collective Labour Agreement. Specific collective agreements and establishment agreements have also been drawn up in several branches or sectors of activity, copies of which have been deposited with the International Labour Office.

201. It has not been possible to obtain details of the number of affiliated trade unions and their grass-roots membership from the trade union federations. However, it has been ascertained that the Beninese National Council of Employers currently comprises 18 professional groups.

202. Workers' right to strike is recognized by the Constitution and in law. This recognition is affirmed, inter alia, in:

- article 31 of the Constitution of 11 December 1990;
- article 195 of the Labour Code;
- articles 4 et seq. of Ordinance No. 69-14/PR/MFPTRA of 19 June 1969 concerning the exercise of the right to strike;
- article 48 of the State Agents (General Regulations) Act).

203. The exercise of the right to strike is conditional on respect for prior conciliation and arbitration procedures in the case of collective disputes of private sector employees, including those in private enterprises, entities and establishments responsible for running a public service or whose functioning is necessary to the life of the nation, and of public enterprises (art. 2 of Ordinance No. 69-14/PR/MFPTRA and arts. 264 and 285 of the Labour Code).

204. When these disputes concern officials and agents of the State and of the local authorities, they must first be the subject of negotiations with the Minister of the Civil Service or his representative. Should the negotiations break down, a concerted work stoppage by the staff in question must be preceded by advance notice thereof given by the most nationally representative trade union organization or organizations in the occupational category or in the enterprise, organism or service concerned.

205. Such notice must specify the reasons for recourse to strike action and must be received by the hierarchical authority or management of the establishment, enterprise or organism concerned five clear days before the start of the strike. It must specify the place, date and time of the start of the strike, and also its duration. Advance notice of the strike is without prejudice to any negotiations with a view to settling the dispute. The times of cessation and resumption of work must not differ for the different categories or for the different staff members involved.

206. Concerted staggered or rolling work stoppages successively affecting the various sectors or occupational categories of a single enterprise or a single service of a single enterprise or organism

are prohibited. Moreover, the Government may establish by decree a list of jobs whose continuity is indispensable to public safety, public order and the public interest.

207. In the event of a threat of strike action, each minister may, by a circular or service note, prevent certain staff other than those enumerated above from stopping work when their retention is indispensable to the continuity of public services or the general interest. He may delegate that power to his departmental heads of services. Staff covered by Ordinance No. 69-14 of 19 June 1969 may be requisitioned where an interruption of the services they provide would cause harm to the economy and the higher interests of the nation.

208. In the case of private sector workers covered by article 1 of Ordinance 69-14, the services of individuals may be requisitioned by the Minister of Labour, and, in an emergency, by the Labour Inspectors. Other categories of personnel may be requisitioned by the ministers concerned, and, in an emergency, by the heads of administrative districts, to whom they delegate that power (arts. 4, 5, 6 and 8 of Ordinance 69-14).

209. This law has been constantly challenged by workers in all sectors, who have called for its repeal. It has also been the subject of repeated observations on the part of the ILO Committee of Experts on the Application of Conventions and Recommendations, which has drawn attention to the incompatibility of its provisions with the ILO Conventions concerning Freedom of Association and Protection of the Right to Organize (No. 87) and concerning Forced Labour (No. 29).

210. A draft law on the exercise of the right to strike is currently being prepared and discussed with trade union organizations, and will shortly be considered and adopted by the National Assembly.

211. Members of the Armed Forces and the Police do not have the right to strike.

Article 9

212. (1) Benin has not ratified any of the conventions concerning social security referred to.

213. (2) The following branches of social security exist in Benin:

- maternity benefits;
- old-age benefits;
- invalidity benefits;
- survivors' benefits;
- employment injury benefits;
- family benefits.

214. (3) The various categories of benefits are:

Maternity benefits

The beneficiaries of maternity benefits are the wives of wage-earners within the meaning of the Labour Code, and unmarried working mothers officially registered with the Beninese Office of

Social Security. They take the form of benefits in kind (consultations, medical care) made available to pregnant women, and cash benefits, subdivided into antenatal benefits and maternity benefits. Their cost is borne exclusively by the employer.

Old-age benefits

215. These apply to workers of either sex who are covered by the Labour Code and who, having reached the age of 55, or 50 in the case of early termination of work, fulfil certain statutory conditions. The benefits are of three kinds:

- ordinary old-age pensions;
- advance old-age pensions;
- old-age benefits.

Invalidity benefits

216. These benefits apply to workers within the meaning of the Labour Code who, following an illness or accident of a non-occupational nature, suffer a permanent diminution of their physical or mental capacities duly certified by a physician appointed or recognized by the Beninese Office of Social Security, rendering them incapable of earning more than one-third of the remuneration that a worker with the same training is able to earn through his work. To qualify for invalidity benefits before the age of 55 they must meet certain other conditions. The entitlement is to an invalidity benefit.

Survivors' benefits

217. These are awarded to the widows and legitimate children of a deceased worker who has fulfilled the conditions for eligibility for a pension on the date of his death, and to widowers who are invalids or dependent on their deceased spouse. The benefits consist of periodic pensions, in the form of widow's pensions and orphan's pensions.

218. When the deceased has not fulfilled the conditions for pension eligibility on his death, the survivors are awarded a single lump-sum survivors' benefit. The old-age, invalidity and survivors' (widow's, widower's and orphan's) benefits are financed by contributions paid both by employers and by employees.

Employment injury benefits

219. These are awarded to victims of occupational accidents or occupational diseases. They take the form of daily allowances for temporary incapacity and annuities in the case of permanent incapacity. These benefits are financed exclusively through contributions paid by the employer.

Family allowances

220. These benefits are paid to workers with legitimate or adopted dependent children between 6 years of age and a maximum of 21 if in full-time education, or 18 years of age if apprenticed. The benefits are financed exclusively through employer's contributions.

221. (4) The percentage of GNP spent on social security has never been calculated.

222. (5) Various traditional forms of solidarity play a role as insurance. These include:

- tontine;

- mutual-benefit institutions and clubs.

223. (6) Groups which do not enjoy the right to social security are self-employed workers, and most workers in the non-structured sector (peasant farmers, fishermen, hunters, craftsmen and small traders), both urban and rural. There is no discrimination against women in this regard.

224. With the assistance of ILO, the Government is considering the possibility of extending the material and personal scope of the existing social security regime. It is also considering, with ILO, a draft social security regime for the informal sector. As yet it is not possible to measure its effect: the scheme is still at the feasibility stage, and the various categories of persons concerned are being contacted, with a view to organizing them into cooperatives or structures that can be monitored.

225. (7) In accordance with established practice, the issues referred to in number 7 will be dealt with in subsequent reports.

226. (8) International assistance could provide very useful aid in financing, and consequently implementing, this project, thereby making it possible to offer protection to this group - which constitutes a majority of the population - both now and in old age.

Article 10

227. The Republic of Benin has ratified:

- the International Covenant on Civil and Political Rights;

- the Convention on the Rights of the Child;

- the Convention on the Elimination of All Forms of Discrimination against Women;

- the ILO Night Work of Young Persons (Industry) Convention, 1919 (No. 6);

- the ILO Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33).

228. Several reports on the latter two Conventions have already been submitted to ILO and, on the basis of the observations of the Committee of Experts on the Application of Conventions and Recommendations, domestic legislation and regulations have been amended so as to conform with those standards. In 1997 an initial report was submitted concerning the Convention on the Rights of the Child.

229. In traditional Beninese society the term "family" has a very broad meaning. It includes the father, mother, children, grandparents, the brothers and sisters of the spouses, and their cousins. Thus, in the traditional sense, the family is an extended system based principally on blood relationships.

230. However, the modern family, within the meaning of the Civil Code, the Labour Code, the Civil and Military Pensions Code and the texts regulating social security, refers to the nuclear family made up of the father and mother or spouses and the children.

231. The age of civil majority is 21. For electoral and criminal purposes the age is 18, and for children in full-time education or serving apprenticeships it is 21 and 18 respectively for the purposes of the Beninese Office of Social Security.

232. The Constitution declares the inviolability of the human person. It obliges the State to respect it absolutely, and to protect it and guarantee its full development in its material, temporal, intellectual and spiritual dimensions. In accordance with the Constitution every individual has the right to life, liberty, security and physical integrity.

233. The State protects the family, and particularly the mother and child. Violations of these rights may be brought to the attention of the competent courts. The Government has tabled a draft Family Code in the National Assembly. There is also a Ministry for Social Protection and the Status of Women.

234. In the health area, the Ministry of Healh organizes, through its various departments:

- vaccination campaigns and advisory sessions on measures to be taken to prevent certain diseases;

- campaigns to distribute drugs during epidemics or when there is a risk of an epidemic, and maternal and child health protection measures.

235. The Labour Code protects working women and children against dangerous work or work harmful to their health. Pregnant women are entitled to 14 weeks' maternity leave - six before and eight after confinement - during which they receive daily allowances and retain the right to free health care and to any available benefits in kind. They are entitled to one hour's rest a day in which to feed the child, for 15 months after they have returned to work.

236. Pregnancy does not constitute grounds for dismissal (arts. 166-171 and 173 of the Labour Code). Damages in an amount equivalent to at least 12 months' wages shall be paid by any employer who dismisses an employee during her pregnancy or maternity leave, without prejudice to any other compensation or damages to which the dismissal may give rise (art. 172).

237. It should, however, be pointed out that family allowances fail to keep pace with the cost of living. Furthermore, only the families of wage-earners officially affiliated to the Beninese Office of Social Security and civil servants are entitled to these allowances.

238. Thus, a married worker receives a social security benefit known as the "worker's home benefit". If pregnant, his wife is also paid maternity benefits and is entitled to free health care before and after confinement. During her 14 weeks' maternity leave, a woman wage earner receives her full wage, in the form of daily benefits. The child is entitled to free health care until the age of five. The same applies to the children of male wage earners.

239. Civil servants and their families receive a family allowance of 2,000 francs per child per month, up to a maximum of six children, payable until the age of 18 for children serving apprenticeships and until 21 for children in full-time education.

240. Women not in waged employment are entitled to medical consultations at public or private health centres or with NGOs, on payment of a standard amount fixed by the Government or by the organizations. However, there are not enough centres to cater for the large numbers of people needing to attend them, or for those in remote areas, who have to travel considerable distances to

reach them. This state of affairs is simply a direct consequence of the country's level of development, which does not allow it to tackle social problems of this scale.

Article 11

241. Following the economic slump of the 1980s, the state of Benin's economy has improved perceptibly since 1990, showing a real growth rate of 6% in 1995.

242. Annual per capita income nevertheless remains low, and the poor distribution of the fruits of economic growth reduces their effects on the population. The gap between rich and poor is widening. According to data from the National Institute of Statistics and Economic Analysis (INSAE), per capita income in Benin has experienced two trends over the past 10 years. Between 1986 and 1990 it fell from 114,984 CFA francs to 103,409 CFA francs, a 10% slowdown. Between 1990 and 1996 Benin thus qualified as one of the low-income countries.

243. In spite of these low income levels, there are nevertheless disparities between urban and rural areas, and between categories of household. In 1986-87, an urban household in Benin had an annual per capita income of 82,702 CFA francs in nominal terms. Over the same period, a rural household had an income of 45,145 CFA francs.

244. Ten years later, in 1996, incomes in urban areas had more than doubled, to 190,954 CFA francs, and in 1994 rural incomes had risen to 127,684 CFA francs. These averages conceal substantial disparities between the eight agro-ecological zones into which Benin has been divided, which, from north to south, are:

Zone 1	Extreme Northern Benin;
Zone 2	Northern Benin Cotton-growing Zone;
Zone 3	South Borgou Food-producing Zone;
Zone 4	West Atacora Zone;
Zone 5	Central Benin Cotton-growing Zone;
Zone 6	Ferralitic Soil Zone;
Zone 7	Lowland Zone;
Zone 8	Fisheries Zone.

245. In some regions poverty has reached alarming proportions; far from being uniform, the phenomenon is very unequally distributed across the territory. This is attributable to the socio-economic characteristics of households and environmental conditions.

246. On the basis of the different poverty lines calculated for the different agro-ecological zones, whose threshold values range from 38,800 to 67,600 CFA francs for an adult and from 98,700 to 166,800 CFA francs for a family, the incidence of cash poverty for 1995 was about 34%. In other words, in 1995 one out of every three Beninese citizens, that is, 1.8 million out of a total population of 5.4 million, could be regarded as living below the poverty line. Two-thirds (1.2 million) of these poor people live in rural areas (see table below).

Region	*Population*	*No of poor*
In rural areas	3 482 570	1 180 000
In urban areas	1 873 160	620 000
In the 4 main cities	1 067 682	
In the smaller towns	805 478	
Total	5 355 730	1 800 000

Sources: Survey on Living Conditions in Rural Households (ECVR), UNDP-Ministry of Rural Development (MDR), 1996; Sample Survey of Households (ELAM), UNDP-INSAE, 1996.

247. Thirty-three per cent of the urban population live below the global poverty line, and Cotonou is the city most affected. Yet it also enjoys the highest average income per household. In 1995, 33% of the population in rural areas also lived below the global poverty line, despite the solidarity derived from the extended family network.

248. In 1992, gross domestic product (GDP) was 570 billion CFA francs. In 1993 it rose to 601 billion CFA francs, to 847 billion in 1994, to 1,035 billion in 1995; and in 1996 to 1,125 billion CFA francs, or a per capita GDP of 198,000 CFA francs. In 1993 per capita gross national product (GNP) was US$ 430.

249. Poverty in Benin was analysed by calculating poverty lines differentiated by region. This method is based on the general conclusions of the studies conducted on perceptions of the dimensions of urban and rural poverty. Inter alia, it was concluded that the dimensions of poverty vary from region to region. In addition, surveys on consumer budgets revealed considerable regional variations in consumers' habits.

250. The food dimension, cited by all communities as the most important dimension of poverty after the cash dimension, served as the basis for calculating the thresholds. In addition, given that cash is regarded by the population as the chief means of alleviating privation, consumer expenditures were taken into account in calculating the poverty indexes in Benin.

251. All these factors argued logically for the adoption of several food poverty lines (one for each of the agro-ecological zones and one for each of the towns) in analysing poverty in Benin. In addition, in order to take account of seasonal fluctuations in households' living conditions, separate poverty lines were also calculated for each season.

252. A global poverty line encompassing all needs was also calculated, in order to take account of fundamental needs other than those relating to food.

Poverty line values

253. The food poverty line was fixed at 38,800 CFA francs per adult annually in rural areas for 1994 and 1995, and at 66,076 CFA francs for the large towns for 1996.

254. The non-food poverty line was fixed at 17,700 CFA francs per adult annually in rural areas for 1994 and 1995, and at 78,182 CFA francs for the large towns for 1996.

255. The food poverty line accounts for 69% of the global poverty line in rural areas, and for only 46% in urban areas. The global poverty line is 56,600 CFA francs in rural areas and 144,261 CFA francs in urban areas, per adult annually, for the same reference periods.

256. The human poverty index for Benin was 46.7% in 1997. This high figure is attributable to poor living standards in households. It shows that just under half Benin's citizens suffer from human poverty (in terms of life expectancy, education, living conditions, etc.). (Source: ECVR, UNDP-MDR, 1996.)

257. Earnings are very low in Benin, a fact reflected in the level of wages, which is generally low both in the modern and in the informal sectors. Nevertheless, the Guaranteed Minimum Inter-Occupational Wage (SMIG), which was 13,909 CFA francs a month in 1983, had risen to 21,924 CFA francs in April 1997, a 58% increase over 15 years.

258. Benin's human development indicator stood at 0.327 in 1992. It rose to 0.368 in 1994. That trend is the result of the strong economic growth recorded from 1990 to the present day. It is also attributable to the positive effects of the measures that accompanied the January 1994 devaluation.

259. Generally speaking, Benin does not experience food shortages in normal years, especially of staple products. Nationally, at the macro-economic level, food insecurity is not perceptible. However, this apparent self-sufficiency is belied by the facts, since food and nutritional problems are a reality in Benin, resulting from a combination of several factors, including:

- the fact that certain groups do not have sufficient financial resources to feed themselves properly;
- socio-cultural considerations relating to food;
- the difficulty of gaining access to land, especially for women;
- lack of road infrastructures, and inadequate maintenance.

Article 12

260. According to 1995 data, the most widespread pathologies and the most frequent reasons for seeking treatment in Benin are:

- malaria: 34%;
- acute respiratory infections: 16%;
- diarrhoeal diseases: 7%;
- traumatisms: 6%;
- anaemia: 4%.

261. These five pathologies alone account for 58% of hospitalizations. The average incidence is 112 ‰ for malaria, 35 ‰ for acute respiratory infections, 14 ‰ for anaemia, 23.5 ‰ for diarrhoeal diseases and 22 ‰ for traumatisms.

262. Apart from these main pathologies, others most frequently encountered are malnutrition, meningitis, bucco-dental infections, leprosy, Guinea worm, and targeted diseases such as AIDS and those covered by the Expanded Programme of Immunization, i.e. measles, poliomyelitis, neonatal tetanus and pertussis.

263. Ten years after independence, Benin's health care system was conceived to satisfy the needs of the urban population, to the detriment of quality health services for the social and economic development of the country as a whole. The Government has now drawn up a health policy aimed at providing basic care for the entire population.

264. Since 1972 health care has been a priority in the general policy of successive Governments. Globally, public health policy aims at linking activities at national, regional and local levels and offering a decentralized health care framework intended to meet the needs of the entire population, right down to village level.

265. This policy emphasizes preventive medicine and draws both on modern and on traditional medicine. Between 1972 and 1980 the Government set up a number of district health centres and community health complexes. Village health officials were trained to respond better to the needs of the local population.

266. Since 1981 the national economic recession and the reduction in domestic resources have compelled the Government to reduce its allocations to the health sector.

267. Faced with these difficulties, the Government reviewed its health policy, providing for considerable development of health infrastructures, including the setting up of village health units and the training of a new type of health officials. This strategy provided, inter alia, for the inclusion of instruction in primary health care in training programmes, the provision of drinking water and sanitation and the setting up of new health units. In implementing these reforms the Government received technical and financial support from the International Development Association.

268. In 1985 the economic crisis worsened and the Government was no longer able to finance all these programmes. In order to improve both health coverage and the efficacy of treatment and preventive services, it therefore decided to encourage increased participation by NGOs and the private sector in various areas, including provision of primary health care, supply, distribution and sale of drugs and the opening of private clinics.

269. In 1989 the Government introduced a system for recovering costs through the sale of generic forms of essential drugs. This system relies on an initial allocation of these drugs, which are then sold on to the public at affordable prices. The income therefrom feeds the revolving fund necessary to replenish stocks, and the profits contribute to financing the running and equipping of the health centres.

270. In spite of the constraints imposed by the various structural adjustment programmes, the Government of Benin is making immense efforts to satisfy health needs. For the period 1997-2001, the guiding principles of the national health strategy will be to:

- guarantee the entire population access to quality services, take account of real needs, and make essential quality drugs available at low cost;

- rationalize the health system through the development of health zones, decentralization and collaboration with the private sector;

- progressively integrate the various health services and programmes at the health zone level, on the basis of the primary health care approach.

271. Two overall objectives will therefore be pursued during this period:

- improving the quality and accessibility of health care provision and health services;

- improving community participation and the use of the health services.

272. Up until now, Benin's health care structure has consisted of the following three levels, interconnected by the guidance/recourse system:

- the peripheral level, with the Community Health Centres and the Peripheral Health Centres;

- the intermediate level, with a Provincial Hospital Centre;

- the central level, with the National University Hospital Centre as the referral hospital.

273. The shortcomings of this structure and of the health system can be summarized as follows:

- inadequate procedures for reception of patients, and for referral to the Peripheral Health Centres;

- difficulties with the organization and operation of the various health centres;

- over-centralized management of the health system;

- delays in finalizing health services demand management.

274. Trends in health personnel numbers between 1986 and 1995 also reveal growing disparities with WHO standards. The ratio of population to doctors was 11,454 to one in 1986 and 19,617 to one in 1995, as compared to a WHO standard of 10,000 to one. The ratio of population to midwives was 8,393 to one in 1986 and 12,504 to one in 1995, whereas the WHO standard is 5,000 to one. The figures for nurses were 2,555 to one in 1986 and 4,813 to one in 1995. From this it can be seen not only that the number of health personnel, apart from nurses, is inadequate, but also that the gap between those levels and internationally agreed standards is widening year by year.

275. The substantial shortfalls in health personnel recorded over the last ten years are principally attributable to the freeze on recruitment in the public administration and to the voluntary redundancies recommended under the structural adjustment programme that has been implemented in Benin since the early 1990s.

276. However, these shortfalls in health personnel are offset by the fact that, in parallel with the freeze on civil service recruitment, a network of private-sector and community participation has evolved.

Trends in the ratio of population to health personnel in Benin (public sector)

Year / *Socio-occupational category*	*1990*	*1991*	*1992*	*1993*	*1994*	*1995*
Doctors	19 830	23 791	18 206	17 635	16 500	19 617
Dentists	315 963	325 906	327 704	338 600	338 615	338 391
Pharmacists	1 184 862	122 146	446 869	390 692	374 786	360 951
Nurses	3 795	4 365	4 066	4 153	4 208	4 813
Midwives	11 393	11 982	11 902	10 876	12 829	12 504
Laboratory technicians	31 596	32 809	24 215	24 897	24 867	28 647
Radiology technicians	100 839	148 139	109 235	99 588	131 175	128 911
Health inspectors	789 908	2 444 292	1 638 518	1 693 000	477 000	451 188

Source: SNIGS/MSPCF

277. As regards health infrastructures, between 1986 and 1995 the number of national hospitals, provincial hospital centres and health centres at sub-prefectural or urban district level remained stagnant. There is only one national referral hospital centre, together with four provincial hospital centres and 84 health centres at sub-prefectural or urban district level.

278. On the other hand, over the same period the number of communal health centres grew by almost one third, from 258 to 339, the number of maternity units increased from 4 to 15, and the number of village health units increased from 281 to 352. However, there are problems of compliance in several health centres. Of the 339 communal health centres, only 218 comply with standards, that is, have a dispensary, maternity unit and pharmacy in the principal town of the commune. Of the 84 health centres at sub-prefectural or urban district level, only 18 comply, i.e. have a surgical block, a radiology centre and a laboratory, enabling them to deal with serious injuries in the event of a catastrophe.

279. Moreover, the infrastructure is unevenly distributed over the national territory. Atlantique province, apparently the province best endowed in terms of infrastructure, actually has the lowest health coverage, with 16,793 inhabitants per health centre, whereas Atacora province, one of the most inaccessible regions, has the best coverage, with 7,476 inhabitants per centre.

280. The situation of Atacora province needs to be placed in perspective, however, since the average distance separating the local population from the health centre (known as the "average radius of action") is very considerable: Atacora province has an area of 1,625 km□ and has 95 health centres, whereas Atlantique province has an area of 3,312 km□ and 70 health centres.

281. The proportion of the national budget devoted to health has fallen continuously over the past 10 years. From 3 billion CFA francs in 1986, it rose to 4 billion in 1987 before falling sharply to 2.8 billion in 1993. The proportion of the national budget devoted to health, which was about 6% in 1986, had fallen to 5% in 1995. This represents an upturn, given that the proportion was about 3% between 1990 and 1994. The per capita budget level, 755 CFA francs in 1986 and 841 CFA francs in 1996, shows that the State's contribution to resolving health problems remains low.

282. The demographic and health survey conducted in Benin in 1997 showed that infant mortality is substantially lower in urban (84 ‰) than in rural areas (112 ‰). Post-neonatal mortality in urban

areas is one-and-a-half times lower than in rural areas (44 ‰ and 66 ‰ respectively). As regards neonatal mortality, the differences are slight (41 ‰ and 46 ‰). Differences in urban and rural mortality rates are reduced after the first birthday: in urban areas, for every thousand children surviving until the first birthday, 72 die before their fifth birthday.

283. Overall, as can be seen from the table below, infant and child mortality is lower in urban (150 ‰) than in rural areas (200 ‰). Improvements in sanitation and greater accessibility to health services in urban areas may account for these differences in mortality rates.

Mortality rates for children by socio-demographic characteristics of the mother

Neonatal, post-neonatal, infant, child and infant/child mortality rates for the 10-year period preceding the survey, by socio-demographic characteristics of the mother, Benin, 1996					
Characteristic	***Neonatal***	***Post-neonatal***	***Infant (1q0)***	***Child (4q1)***	***Infant/child (5q0)***
Area of residence					
Urban	40.5	43.9	84.4	71.6	150.0
Rural	46.4	65.9	112.3	98.3	199.5
Province					
Atacora	44.2	77.9	122.0	92.1	202.9
Altantique	43.3	37.9	81.2	99.2	172.3
Borgou	44.6	72.3	116.9	63.2	172.8
Mono	59.8	44.2	104.0	94.9	189.0
Ouémé	30.7	56.9	87.6	86.8	166.8
Zou	45.6	56.7	102.3	111.3	202.3
Mother's level of educational attainment					
None	46.3	62.1	108.4	95.6	193.7
Primary	41.3	52.8	94.0	76.3	163.2
Secondary or beyond	(26.3)	23.7	(49.9)	28.2	76.7
Antenatal care and assistance with delivery					
Neither	(59.2)	57.0	(116.2)	* -	*
One or the other	34.5	46.0	80.5	* -	*
Both	33.0	37.7	70.8	* -	*
Total	44.6	58.9	103.5	89.7	183.9

Rates calculated for fewer than 250 cases (persons exposed) are replaced by asterisks. Those calculated for 250-499 cases appear in parentheses.

Rates are for the three-year period preceding the survey.

284. At provincial level, it can be seen that the two northern provinces, Atacora and Borgou, have relatively high infant mortality rates, 122 ‰ and 117 ‰ respectively. Mono and Zou provinces have slightly lower infant mortality rates, 104 ‰ and 102 ‰ respectively. Atlantique and Ouémé provinces have the lowest infant mortality rates, 81 ‰ and 88 ‰ respectively. Urban development and better infrastructures may largely account for the lower mortality rates in the latter two provinces.

285. Furthermore, the likelihood of the child of a mother with no education dying before its first birthday is twice as great as for the child of a mother with secondary or higher educational qualifications (108 ‰ as compared to 50 ‰ - see table below).

Child mortality by sex

Demographic characteristics	*Neonatal*	*Post-neonatal*	*Infant*	*Child*	*Infant/child*
Male	48.9	60.4	109.3	89.0	188.6
Female	40.1	57.4	97.6	90.3	179.1

Source: Demographic and health survey, Benin, 1996.

286. At almost all stages, the mortality rate is higher for male than for female children.

287. Benin's water resources are considerable, but the main problem remains their mobilization, underground water being the chief source of supply. Thus, there are still some difficulties with regard to access to drinking water by the entire population.

288. As part of the International Drinking Water Supply and Sanitation Decade (1980-1990), 700 large-diameter wells were sunk in rural areas in 1981. In 1987 there were 6,159 watering places: 4,065 boreholes, 2,037 wells and 57 village water supply systems.

289. The table below sets out the situation with regard to water supply and demand in rural areas.

Percentage breakdown of households by distance from water supply and area of residence, 1996

Distance	*Area*		*Total*
	Urban	*Rural*	
Running water in the home	39.6	18.0	26.4
Less than 1 km	58.1	69.2	64.9
More than 1 km	2.2	12.7	8.6
Not declared	0.1	0.1	0.1
Total	100.0	100.0	100.0

290. These needs were identified by the strategy for drinking water supply and sanitation in rural areas approved by the Government in 1992, and are based on the following criteria:

- 20 litres of water per capita daily;

- one watering place for approximately every 300 persons.

291. From this table it can be seen that between 1990 and 1995 considerable progress was made in provision of drinking water in rural areas: from 48% in 1990, coverage rose to 64% in 1995. However, wide regional disparities persist. With over 85% coverage, the northern areas are better served than the south, where coverage is only 35% in Mono and 40% in Ouémé.

292. In urban and semi-urban areas, water is supplied by the Benin Water and Electricity Company. The number of customers is steadily increasing: from 40,175 in 1990 to 56,000 in 1995 - a 39% increase. But it is estimated that more than one-third of the population of urban or semi-urban areas still does not have access to drinking water. Overall, 50% of the total population is estimated to have access to drinking water.

Percentage breakdown of households by means of water supply and area of residence, 1996

Means of supply	*Area*		*Total*
	Urban	*Rural*	
Running water in the home	18.6	0.5	7.5
Running water elsewhere	37.8	6.5	186
Public tap	2.3	8.1	5.9
Borehole/pump	4.8	21.9	15.3
Protected wells	7.5	9.4	8.7
Unprotected wells	21.5	21.3	21.4
Springs	0.0	0.2	0.1
Rivers/pools/lakes	4.3	21.8	15.1
Rainwater (tank)	2.8	8.0	6.0
Rainwater (other)	0.2	2.1	1.4
Other	0.0	0.0	0.0
Not declared	0.1	0.1	0.1
Total	100.0	100.0	100.0

Source: Demographic and health survey, Benin, 1996.

293. Following Benin's second general population and household census, conducted in 1992, four chief methods of excreta disposal were identified: septic tanks, public latrines, disposal in the environment and flush toilets. The method of disposal varies with the type of habitation. Disposal in the environment is most frequently practised by the occupants of detached huts (96.9%), detached houses (94.3%), compounds (9.9%) and linked houses (84.7%). Septic tanks are most often to be found attached to villas (59%) and apartment blocks (45%).

294. Paradoxically, significant numbers of households living in modern houses and apartment blocks also practise disposal in the environment (19.4% of modern houses and 37.4% of apartments). Flush toilets are also used in households of this type (18% of modern houses and 16.8% of apartments).

Percentage distribution of habitations by type and method of sewage disposal

	Septic tank	*Public latrines*	*Disposal in the environment*	*Flush toilet*	*Other*	*Not declared*	*All modes*
Detached house	8.3	0.7	89.5	0.5	0.6	0.3	100.0
Linked house	38.8	2.2	56.0	1.8	1.0	0.3	100.0
Modern house	44.2	1.3	7.2	46.2	0.8	0.2	100.0
Apartment	38.9	0.9	8.1	50.9	0.8	0.4	100.0
Detached hut	3.3	0.4	95.1	0.2	0.7	0.3	100.0
Compound	17.8	0.8	79.6	0.9	0.6	0.3	100.0
Other	15.0	0.6	46.6	0.9	36.6	0.3	100.0
Not declared	20.1	1.2	59.6	2.2	1.1	15.9	100.0
Total	19.0	1.1	76.5	1.8	1.3	0.4	100.0

Disposal by area of residence

Type of disposal	*Area of residence*	
	Urban (%)	*Rural (%)*
Covered latrines	40.7	4.8
Uncovered latrines	12.2	2.9
Leaktight septic tank	4.1	0.2
None/environment	42.5	91.8
Other	0.6	0.3
Total	100	100

Source: EDS, USAID/UNICEF/INSAE, 1996.

Immunization

295. For more than a decade immunization has played a very important role in guaranteeing maternal and child health care. It attained particular prominence with the Expanded Programme of Immunization (EPI) developed with the support of various development partners (the United Nations Children's Fund - UNICEF, WHO, the United States Agency for International Development - USAID, etc.).

296. The table below shows rates of coverage for the EPI vaccines, for children from 0 to 11 months old, from 1990 to 1995, for Benin as a whole.

National coverage of EPI vaccines, 1990-1995

Year	*Data*	*Type of vaccine*								
		BCG	*Measles*	*DTP1*	*DTP2*	*DTP3*	*Polio 0*	*Polio 1*	*Polio 2*	*Polio 3*
1990	Number %	201 535 103 %	155 079 79 %	201 245 103 %	188 248 96 %	167 031 85 %	133 287 68 %	201 245 103 %	188 248 93 %	167 031 85 %
1991	Number %	176 825 89 %	130 118 66 %	171 391 87 %	162 554 82 %	148 473 75 %	140 444 71 %	171 391 87 %	162 554 82 %	148 473 75 %
1992	Number %	188 020 93 %	145 144 72 %	183 131 91 %	173 630 86 %	160 086 79 %	154 142 76 %	183 131 91 %	173 630 86 %	160 086 79 %
1993	Number %	194 519 91 %	147 506 69 %	194 269 90 %	181 168 84 %	166 011 77 %	163 594 76 %	194 269 90 %	181 168 84 %	166 011 77 %
1994	Number %	214 496 93 %	178 690 78 %	217 265 95 %	207 495 61 %	195 272 86 %	173 724 76 %	217 265 95 %	207 495 91 %	195 272 86 %
1995	Number %	228 317 97 %	194 078 83 %	228 291 97 %	219 419 93 %	210 746 90 %	181 369 77 %	228 291 97 %	219 419 93 %	210 746 90 %

297. No data disaggregated by urban/rural division or by sex are available. Between 1960 and 1995, life expectancy at birth increased by 19 years, from 37 to 56 years. This progress, while remarkable, varies by sex and region. Thus, life expectancy for men has increased by only 16 years, from 36 to 52 years, whereas women's has increased by 20 years, from 37 to 57 years. At provincial level, Borgou has the highest life expectancy (57.3 years in 1995), whereas it is lower in Zou (51.1 years in 1995).

298. This perceptible increase in longevity is attributable to advances in modern medicine, and in particular to the increase in immunization coverage and the Bamako Initiative, which has enabled

primary health care to be developed and drugs to be made available at affordable prices in all public health centres.

299. For the period 1987-1995 global attendance of health services for treatment was low across the entire country, at an average of only 23%. Between 1987 and 1990 attendance fell constantly (from 32 to 12%), partly on account of the generalized fall in purchasing power resulting from the State's economic and financial difficulties.

300. From 1991 on, with the boost provided by Community financing, the situation gradually improved at both national level (rising from 19% in 1991 to 25% in 1993, then to 34% in 1995) and in each province individually. It should nevertheless be mentioned that the lowest rates are recorded in the provinces of Atacora, Mono and Zou, with figures of 31.52% and 30% in 1995 (source: Health Statistics 1995, Ministry of Health, Social Protection and Women's Status (MSPSCF), July 1996).

Attendance of health services, all ages combined, by province

Year / *Province*	*1990*	*1991*	*1992*	*1993*	*1994*	*1995*
Atacora	8.23	22	20.77	21.93	30.56	31.52
Atlantique	14.96	19.65	21.2	26.47	35.56	37.70
Borgou	8.83	15.36	27.37	26.70	22.95	36.57
Mono	10.86	16.82	16.51	21.14	37.49	22.42
Ouémé	15.23	23.70	27.49	28.57	24.50	41.12
Zou	10.91	16.22	15.13	22.61		29.71
Total	11.94	19.14	21.73	25.12	30.01	33.92

Source: SNIG/MSPSCF.

301. The table below shows the proportion of women to have attended antenatal examinations and postnatal consultations, between 1990 and 1995, for the country as a whole and by province. It also gives details of well baby clinics for children under one year old. No data disaggregated by urban/rural division are available.

Percentage of women attending antenatal examinations (AE) and postnatal consultations (PC), and of infants attending well baby clinics (WB), by province, 1990-1995

Year / *Province-Indicators*	*1990*	*1991*	*1992*	*1993*	*1994*	*1995*
Atacora						
AE	35	42	40	50	56	60
PC	7	11	13	14	16	19
WB	27	31	34	34	35	36
Atlantique						
AE	129	49	62	76	68	67
PC	16	16	19	22	21	25
WB	30	30	31	39	40	46
Borgou						
AE	54	26	63	59	67	65
PC	17	5	18	15	19	23
WB	46	21	53	37	47	48

Year / *Province-Indicators*	*1990*	*1991*	*1992*	*1993*	*1994*	*1995*
Mono						
AE	47	61	64	76	71	71
PC	11	11	14	19	23	24
WB	13	16	19	27	27	27
Ouémé						
AE	19	64	63	66	72	65
PC	7	28	33	37	42	44
WB	12	42	53	55	63	56
Zou						
AE	48	109	73	80	79	85
PC	18	25	33	33	34	47
WB	39	44	49	51	51	67
Ensemble du Bénin						
AE	59	60	63	69	70	69
PC	13	17	23	24	27	31
WB	27	31	40	41	45	48

Source: SNIG/MSPSCF.

302. According to the 1996 Demographic and Health Survey, the maternal mortality rate for the period 1990-96 was 498 per 100,000 births, resulting from complications during pregnancy, delivery or in the two months following the birth.

303. There is also a risk of maternal mortality at any time during the woman's years of fertility. This risk was 0.032 for the period 1990-96. In other terms, there is an approximately one in thirty chance of a woman dying of causes associated with maternity during the years of procreation.

304. As can be seen from the various tables above, Atacora, Borgou and Zou are the provinces with the highest maternal mortality rates and the regions where the general health situation is the least satisfactory. Furthermore, the rural population in general is less healthy than the urban population.

305. With regard to infant mortality, the rate is higher among the children of illiterate mothers. There are a number of reasons for this. The low rate of consultation, due to the fact that extensive rural areas are poorly served by health personnel and infrastructures, means that many high-risk pregnancies and deliveries are not automatically detected. In addition, the fall in purchasing power accounts for the fact that few resources are devoted to health.

306. With a view to improving the physical and mental health of vulnerable and disadvantaged groups in the worse-off areas, the Government has envisaged heavy investment in health infrastructure and roads in inaccessible rural areas, and, in particular, direct participation by the population in the running of health centres and the acquisition of essential drugs at low cost in generic form.

307. The Government has drawn up a number of strategies to reduce the stillbirth rate and infant mortality and to provide for the healthy development of the child. These include:

- a national mother and child programme;

- improvement of the quality, effectiveness and coverage of health services;

- improvement of drinking water availability;

- improvement of life expectancy at birth, from 54 years in 1992 to 65 years in 2016.

308. To achieve this, Benin's health policy will have to:

- reduce the infant and child mortality rate from 162 ‰ in 1992 to 90 ‰ in 2016, so as to reduce the infant mortality rate to 50 ‰ and the child mortality rate to 42 ‰;

- reduce the maternal mortality rate from 473 ‰ in 1990 to 390 ‰ in 2016;

- reduce the percentage of deaths in the under-20 age group from 19 ‰ in 1992 to 11 ‰ in 2016;

- reduce the incidence of AIDS and sexually transmissible diseases;

- promote responsible reproductive behaviour and responsible sex by according priority to family planning;

- improve the contraception rate from 2% to 40% by 2016;

- reduce severe forms of protein and carbohydrate malnutrition in children aged 0-10.

309. To improve all aspects of hygiene, measures were enacted by Act No. 87-015 of 21 September 1987 establishing the Code of Public Hygiene. This Act regulates hygiene in the following areas: public thoroughfares; the home; foodstuffs; classified establishments, open-air markets and trading activities; water for various uses; public places; beaches; industrial installations; health controls at borders; noise pollution and environmental pollution. Penalties, in the form of fines of up to 500,000 CFA francs or from 5 to 15 days' imprisonment, are provided for in the event of non-compliance.

310. In recent years Benin, a pilot country in the Bamako Initiative, has greatly improved access to health care for all, encouraging the use of essential drugs by setting up a centralized unit for the purchase of products and developing a policy for Community financing of health structures.

311. An important programme for the renovation and construction of peripheral health centres, supported by the donors, has resulted in a marked improvement in peripheral infrastructures. Several provincial hospitals, together with the National University Hospital Centre in Cotonou, have also benefited from renovation programmes.

312. Every province except Atlantique now has its own hospital, and there are plans to build 36 district hospitals. However, it must be acknowledged that operating costs, which are to a large extent borne by the users, place these referral centres beyond the reach of the majority of the population.

313. The Government has adopted a major programme to develop the health sector over the period 1997-2001. Targets have been fixed and resources gradually made available, with a view to preventing, treating and controlling epidemic, endemic, occupational and other diseases. These include:

- maintaining 100% availability of immunization;

- increasing accessibility from 90 to 100%;

- maintaining adequate immunization coverage at 90% countrywide (BCG, DTP 3, Polio 3 and smallpox at age one;

- working towards the eradication of poliomyelitis and the elimination of neonatal tetanus;

- intensive vaccination against measles among poorly covered population groups.

314. With regard to malaria, which accounts for 34% of medical consultations, the goal is to reduce the incidence from 11,200 to 3,000 per hundred thousand and to reduce the average incidence among children under one year old from 32,000 to 20,000 per hundred thousand children.

315. Since 1992 the Government has also been implementing a project entitled "Maternal and Infant Health/Family Planning", which was renamed "Reproductive Health and Family Planning" in 1995. Its goal is to promote family health through the government health centres. It receives support from the United Nations Population Fund (UNFPA). Its essential aim is to raise the contraception rate to 9% in urban areas and 4% in rural areas, and to reduce the proportion of teenage pregnancies by 50% by the year 2000.

316. Elderly persons in Benin do not enjoy any special status in comparison with the rest of the population. They contribute to their health care in the same way as everyone else. Only permanent State officials benefit, having four-fifths of the cost of health benefits paid on their behalf. The cost of drugs, however, is borne entirely by themselves. Some officials governed by the Collective Agreement may receive a contribution towards these costs in certain circumstances.

317. Any Beninese citizen declared destitute and recognized as such by the mayor of the rural or urban commune is entitled to receive health care entirely free of charge, though the cost of medication is entirely at his or her charge. The social promotion centres provide ad hoc assistance to these destitute elderly people.

318. The table below shows the distribution by province of destitute elderly people supported by the social promotion centres in 1996.

Province	Atacora	Atlantique	Borgou	Mono	Ouémé	Zou	Total
Number	1 761	1 538	1 680	1 909	1 666	3 500	12 054

Source: Directorate of Social Protection.

319. The objective of health for all by the year 2000 calls for priority to be accorded to primary health care. That objective is so important for Benin that it has striven tirelessly for some years to implement the various components of primary health care in the towns, neighbourhoods, villages and hamlets. Their implementation calls for the full participation of the community; hence the establishment, by Order No. 0390/MS/DC/DSAF/SAG of 14 February 1995, of committees to manage the communal health complexes, including the central structure; and of committees to manage health centres at sub-prefecture and urban district levels. By virtue of this Order, members of the management committees are elected by a general assembly of the populations served by the health centre. Their role is to make the population aware of the value of its participation in health activities, to participate in programming the centre's activities - in short, to participate in the management and control of primary health care.

320. Ongoing information campaigns concerning the various diseases are organized in the hamlets, villages and neighbourhoods. Town criers, religious leaders, village heads, social workers, singers, actors and programme presenters on local radio stations all make their contribution. In the formal education system, the curriculum includes classes on the various diseases and ways of preventing and controlling them.

321. International assistance plays a very considerable role in Benin's health sector. The 1995 Public Investment Plan shows that a total of 12,111,901,000 CFA francs was invested in the health sector. The proportion borne by the national budget was 1,471,000,000 CFA francs, or 12%; and NGOs' contribution amounted to 35,509,000 CFA francs (0.3%). The various partners and donors together contribute 10,640,901,000 CFA francs, or 88%, 6,334,495,000 CFA francs (52%) of it in the form of grants, and 4,306,406,000 CFA francs (36%) in the form of loans.

Article 13

322. Under article 13 of the Constitution of 11 December 1990, primary education shall be obligatory, and the State shall provide for the education of young people by setting up schools in which free education shall become progressively available.

323. With a view to encouraging parents to enrol large numbers of girls - whose enrolment rate is very low - in primary education, the State, by Circular No. 3532/MEN/CAB/DAB/SA of 1 October 1993, grants a 100% exemption from school attendance fees to girls in rural areas.

324. In an effort to avoid major regional disparities in contributions to the cost of nursery and primary education, the State, by Circular No. 3888/MENRS/CAB/DC/DEP/SPES of 17 September 1996, fixed the rates of contributions to school fees as follows:

- Atacora, Borgou: minimum CFAF 500, maximum CFAF 1,000;
- Mono, Zou: minimum CFAF 1,000, maximum CFAF 2,000;
- Atlantique, Ouémé: minimum CFAF 1,000, maximum CFAF 3,000.

325. It is not unusual for parents to supplement the State effort by forming a parents' association to contribute to the construction of classrooms, and sometimes even to equipping them.

326. Secondary education, including technical and vocational secondary education, is generally available and accessible to all on certain conditions: age, level of study, diploma and entrance test for technical and vocational education, given the limited number of places.

327. As in the case of primary education, the State has intervened to reduce existing disparities in contributions to the cost of schooling. Thus, by a decision of the Council of Ministers, the Government fixed contributions in State general education establishments in the following amounts for the 1997-98 academic year:

- Atacora, Borgou: CFAF 3,000;
- Mono, Zou: CFAF 3,500;
- Atlantique, Ouémé: CFAF 4,000.

328. The proposal that the State should grant girls a 50% exemption from fees in all State secondary schools has never had any concrete follow-up.

329. With regard to higher education, the National University of Benin is open to all students without distinction as to nationality, race, sex or religion, subject to availability of places. It is divided into general training departments, the so-called "traditional" faculties, and vocational training departments. A baccalaureate or any other equivalent or dispensing diploma is sufficient qualification to enter the former. For the latter, Beninese nationals need to pass an examination conferring eligibility for a study grant; foreigners need only submit evidence of a satisfactory academic record or pass a selection test. In every case registration fees amount to at least 6,200 CFA francs for the first and second cycles, and to 51,200 CFA francs for the third cycle.

330. Higher education can thus not be said to be free of charge, as there are two categories of students: grant-holders and non-grant-holders. According to the National University of Benin Information Handbook, 1996 edition, non-grant-holders wishing to attend a vocational training course must pay, in addition to the registration fees, between 106,200 and 251,200 CFA francs depending on the department chosen, in the case of Beninese nationals, and between 206,200 and 1,444,200 CFA francs in the case of foreigners.

331. Literacy programmes targeted on adult populations aged 15-49 not attending school help offset the shortcomings of the formal education system, which is unable to ensure that all children attend school and has high drop-out rates. The illiteracy rate calculated after the 1992 general population census was 75.4%, compared to 77% in 1979, with 66% of men and 84% of women illiterate. The political will to persevere with the literacy and adult education programmes was reaffirmed in articles 8, 10, 11 and 40 of the Constitution of 11 December 1990.

332. Application of those provisions has resulted in:

- the adoption of Decree No. 92-251 of 31 August 1992 creating and establishing the organizational structure, powers and functions of the National Council for Literacy and Adult Education, a consultative body relayed to local level by provincial centres in the prefectures, the aim of which is to promote concerted action, intersectoral cooperation and partnership;

- the adoption in 1992 of an Order (amended in 1994 and 1995) establishing the powers, organizational structure and functions of the Directorate of Literacy;

- since 1994, provision in the State Budget for allocation of bonuses to teachers of literacy.

333. The programmes fall into three components: "Initial literacy skills"; "Follow-up literacy skills"; and "Literacy/training" (i.e. specialized training).

The first component involves:

- learning to read, write, and calculate, in the ethnic languages;

- initiating those literate in French in reading and writing ethnic languages.

The second component involves:

- consolidation of literacy skills already acquired;

- reinforcing writing skills;

- acquisition of new skills providing opportunities to improve living conditions;

The third component involves:

- acquiring knowledge and know-how: appropriate technologies, basic French, other ethnic languages;

- exploiting local knowledge and know-how in writing;

- programme targeting, by making women primarily responsible for groups and associations of producers.

334. This in no way excludes the pursuit of traditional literacy goals for the population as a whole. There has also been a drastic reduction in the contributions of foreign partners - particularly Switzerland, initially the largest donor - to the programmes. However, the Government is still not unreservedly committed to promoting literacy in the ethnic languages.

335. Difficulties of a cultural and financial nature have been encountered in the realization of the right to education. Some parents categorically refuse to send their children to school, claiming that the duration of the courses is excessive and that children attending school can be of no use in the home. Others, devotees of Islam, prefer to send their children to a Koranic school. In either case it is girls who are most likely to be affected.

336. This situation results in great disparities between the gross school attendance rates: 42% for girls, as compared to 61% for boys. In order to reverse this trend, the Government has decided to exempt girls in rural areas from payment of school fees. Its aim is thereby to raise the gross primary school attendance rate to 70% and to narrow the gap between girls and boys by the year 2000.

337. The table below summarizes the quantitative data on literacy promotion activities in the various provinces. The number of persons enrolled increased by 130%, from 14,156 in 1981 to 32,539 in 1994. The progression, although not linear, is almost constant. However, there was a falling-off of activity between 1985 and 1987.

338. More persons are enrolled in the northern provinces of Atacora and Borgou, clear evidence that priority has been accorded to provinces with low school attendance rates.

Numbers enrolled in literacy programmes, by province and sex, 1994, 1995 and 1996

Province	*Sex*	*1994*	*1995*	*1996*
Atacora	Male	72 127	75 475	77 940
	Female	63 698	67 086	69 940
	Total	135 825	142 561	147 880
Atlantique	Male	92 431	95 146	98 412
	Female	91 028	93 326	96 279
	Total	183 459	188 472	194 691
Borgou	Male	93 322	95 146	101 877
	Female	85 357	93 326	93 657
	Total	178 679	188 472	195 534

Province	*Sex*	*1994*	*1995*	*1996*
Mono	Male	79 815	98 068	80 548
	Female	72 474	89 784	76 241
	Total	152 289	187 852	156 789
Ouémé	Male	89 208	92 763	95 822
	Female	80 989	84 412	87 777
	Total	170 197	177 175	183 599
Zou	Male	82 296	85 236	87 971
	Female	76 084	79 297	82 650
	Total	158 380	164 533	170 621
Total	Male	509 199	527 022	542 570
	Female	469 630	488 443	506 544
	Total	978 829	1 015 465	1 049 114

Source: SSGI/DACP/MENS.

Literacy trends

Period	*1979-1989*	*1990-1995*
Numbers enrolled	165 909	116 410
Annual average	15 082	23 282
Average annual success rate	46 %	56 %

339. In addition to showing variations in the numbers enrolled in literacy programmes by province and sex, the table also shows the number of those enrolled who subsequently acquire literacy skills. The proportion averages about 50%, but ranges between 30 and 58% from year to year and from province to province. In absolute terms this rate may appear to be satisfactory. However, since the statistics on literacy are unreliable, it is difficult to gain a precise idea of the number who subsequently revert to illiteracy. The survey of the most recent period shows that the follow-up component was introduced to maintain the skills acquired and limit the numbers reverting to illiteracy.

340. A review of 15 years of literacy activities in Benin may at first sight suggest that the programmes have yielded satisfactory results. However, a number of problems remain:

- the teachers recruited are under-qualified. Teacher training must be improved and staff must acquire more expertise;

- without external funding, the main source of financing, the future of the current programmes is not assured;

- the very high level of demand, together with even greater potential demand (with an illiteracy rate of over 75%), calls for prioritization and targeted actions;

- the teaching of literacy is not always regarded as an autonomous subdivision of education in its own right. This is reflected in the appropriations allocated to finance its infrastructure and operating costs;

- literacy tools must be improved;

- it is difficult to build on the literacy skills acquired.

341. In the wake of the Jomtien Conference, a debate on literacy and adult education took place in Benin in the years after 1990. The Conference recommended that:

- the Government must take measures at the policy, regulatory and financial levels to promote literacy;

- the initial literacy campaign must be continued;

- the follow-up component must be strengthened, with family health information, education and communication programmes supported by UNICEF and UNFPA;

- field workers must receive professional training.

342. The task still to be accomplished is an enormous one, and making the entire population literate remains a priority if the country is to achieve sustainable development. Attainment of that objective will call for substantial human and financial resources.

343. The history of Benin's education policy since independence in 1960 falls into three periods:

- from 1960 to 1975 the education system was modelled on the French system. Primary education comprised six years of studies culminating in the Certificate of Elementary Primary Education and the examination to enter the sixth year (equivalent to the first year of secondary schooling);

- from 1975 to 1990: following the 1972 revolution, in 1975 the Government adopted the New School reform, the main objectives of which are the institutionalization of nursery school education and the inclusion of production on the curriculum;

- the States General on Education, held in October 1990, marked the beginning of the third period. Pursuant to that body's recommendations, since 1991 the Government has undertaken a programme aimed at a reform of the whole education sector, introducing the concept of "basic quality" schools. The components of the reform are designed to work together to develop primary education so that, by the year 2002, 75% of pupils will be enrolled in basic quality schools. The main objectives are to increase opportunities for access to education and enhance the quality of teaching.

344. Since 1991 basic education has consisted of two years' nursery education and six years' primary education (CI, CP, CE1, CE2, CH1 and CH2). The nursery schools - of which there were 299 in 1996 - are both State- and privately run. The number of State and private primary schools increased from 1,325 in 1975 to 2,604 in 1984, and to 3,072 in 1996.

345. The official age for beginning primary schooling is six. However, in the private system children are accepted much earlier, as these are profit-making institutions.

346. Out of a potential school population of 1,052,000 in 1996, there were 719,130 pupils in State and private schools, a gross enrolment rate of 68%, compared to 49.68% in 1990 and 60.6% in 1984 (see table below).

347. The gross enrolment rate has risen regularly since the 1960s, except for a spectacular surge after 1975 and for falls between 1985 and 1990. These changes are respectively attributable to the New School access policy and to shortcomings in implementation of that same policy.

Trends in numbers and rates of enrolment in primary education

Year	*1975*	*1984*	*1990*	*1992*	*1996*
Total number of pupils	159 888	429 190	418 272	534 810	719 130
Gross enrolment rate	41.47	60.60	49.68	59.91	68.00

Source: MENRS

348. It can be seen from the table below, showing distribution by province, that the figures are higher in the south.

Total numbers	*1990*	*1996*
Atacora	40 960	71 391
Atlantique	127 805	185 950
Borgou	43 178	81 189
Mono	49 631	113 327
Ouémé	87 489	147 790
Zou	69 479	119 483
Total	418 272	719 130

349. The breakdown by sex also varies from province to province, but numbers and enrolment rates for girls are generally lower than for boys. For an average enrolment rate of 68% in 1996, the rate was 51% for girls and 83% for boys. Furthermore, that 51% rate represented an average of widely differing rates: 31% in Borgou and 80% in Atlantique.

350. The net enrolment rate, always lower than the gross rate, stood at 57% in 1996. This is attributable to the very wide age range of the pupils (an average of 5-15 years).

Trends in breakdown of numbers (girls/boys)

Year	*1984*	*1990*	*1996*
Total number of pupils	429 190	418 272	719 130
Girls	142 416	141 831	261 952
Boys	268 774	246 441	457 178
Ratio girls/total	0.33	0.33	0.36

Source: MENRS-DAPS SSGI & Key Project.

351. The four tables below show the national and some provincial statistics for promotion, repeat and drop-out rates in primary education.

352. **National promotion, repeat and drop-out rates in primary education, 1990-1995**

Year	*Rate*	*CI*	*CP*	*CE1*	*CE2*	*CM1*	*CM2*
1990	Promotion	63.77	79.48	65.87	73.48	65.76	37.07
	Repeat	23.99	22.08	25.54	19.75	29.91	37.56
	Drop-out	12.24	1.56	8.60	6.77	4.33	25.37
1991	Promotion	63.19	73.19	61.97	69.91	58.00	24.90
	Repeat	24.50	19.16	25.28	20.21	30.85	43.43
	Drop-out	12.31	7.65	12.75	9.88	11.15	31.67
1992	Promotion	62.74	74.72	66.48	72.42	59.27	30.33
	Repeat	24.52	20.12	27.15	23.66	35.39	44.56
	Drop-out	12.74	5.18	6.37	3.92	5.34	25.11
1993	Promotion	60.59	70.46	62.31	68.69	56.26	52.77
	Repeat	24.37	22.10	27.22	23.04	33.67	28.81
	Drop-out	15.04	7.45	10.47	8.26	10.07	18.42
1994	Promotion	64.78	72.12	64.27	68.59	57.85	51.04
	Repeat	25.94	22.20	27.79	23.60	32.95	31.88
	Drop-out	9.28	5.69	7.94	7.80	9.21	17.09
1995	Promotion	64.36	70.80	63.62	67.20	56.36	48.37
	Repeat	26.08	22.11	26.83	24.11	33.39	33.30
	Drop-out	9.56	7.09	9.55	8.69	10.25	18.32

Source: SSGI/DAPS/MENRS

353. **Promotion, repeat and drop-out rates in primary education, Atacora Province, 1990-1995**

Year	*Rate*	*CI*	*CP*	*CE1*	*CE2*	*CM1*	*CM2*
1990	Promotion	54.36	67.44	47.64	59.91	51.71	24.08
	Repeat	27.00	21.67	24.73	23.51	27.79	40.96
	Drop-out	18.64	10.90	27.63	16.59	20.49	34.96
1991	Promotion	51.59	50.96	50.96	57.77	50.38	15.57
	Repeat	27.33	30.10	30.10	23.37	30.99	48.15
	Drop-out	21.08	18.94	18.94	18.86	18.86	36.38
1992	Promotion	51.70	56.92	56.92	59.93	54.05	31.88
	Repeat	23.96	31.53	31.53	26.23	33.46	40.14
	Drop-out	24.34	11.55	11.55	13.84	12.49	27.98
1993	Promotion	54.26	54.73	54.73	62.32	50.97	46.30
	Repeat	24.78	32.94	32.94	26.35	38.01	34.57
	Drop-out	20.96	12.33	12.33	11.33	11.02	19.13
1994	Promotion	59.57	62.33	62.33	63.27	56.89	45.67
	Repeat	26.25	27.39	27.39	25.39	30.54	37.10
	Drop-out	14.18	10.28	10.28	11.34	12.57	17.23
1995	Promotion	70.46	64.67	64.67	66.23	59.19	42.01
	Repeat	19.19	25.44	25.44	20.86	34.48	38.93
	Drop-out	10.36	9.89	9.89	12.91	6.33	19.05

Source: SSGI/DAPS/MENRS

354. **Promotion, repeat and drop-out rates in primary education, Atlantique Province, 1990-1995**

Year	*Rate*	*CI*	*CP*	*CE1*	*CE2*	*CM1*	*CM2*
1990	Promotion	67.51	80.34	69.31	74.81	66.98	42.60
	Repeat	20.71	19.14	23.20	16.73	27.55	29.09
	Drop-out	11.78	0.52	7.49	8.46	5.47	28.31
1991	Promotion	67.51	76.04	65.79	74.37	59.24	34.00
	Repeat	20.71	18.05	24.68	19.88	31.24	41.03
	Drop-out	11.78	5.91	9.53	5.75	9.52	24.97
1992	Promotion	69.84	78.18	68.50	74.71	59.56	34.04
	Repeat	23.14	18.49	25.81	22.92	33.47	43.52
	Drop-out	7.02	3.33	5.69	2.37	6.97	22.44
1993	Promotion	70.04	71.27	62.82	69.55	57.32	56.50
	Repeat	23.17	19.51	23.93	20.58	30.58	25.79
	Drop-out	6.79	9.21	13.25	9.87	12.10	17.71
1994	Promotion	63.52	75.74	67.73	72.48	62.05	57.73
	Repeat	20.04	19.96	25.19	20.41	29.97	26.97
	Drop-out	16.44	4.31	7.08	7.11	7.98	15.30
1995	Promotion	70.05	74.36	67.73	72.50	62.17	53.03
	Repeat	23.50	20.94	24.41	22.33	30.49	30.77
	Drop-out	6.45	4.69	7.86	5.17	7.33	16.20

Source: SSGI/DAPS/MENRS

355. **Promotion, repeat and drop-out rates in primary education, Mono Province, 1990-1995**

Year	*Rate*	*CI*	*CP*	*CE1*	*CE2*	*CM1*	*CM2*
1990	Promotion	67.06	85.48	72.56	79.01	73.59	41.26
	Repeat	25.00	6.81	24.79	19.24	25.85	38.47
	Drop-out	7.94	7.71	2.65	1.75	0.56	20.27
1991	Promotion	67.51	75.44	64.73	73.05	64.54	21.89
	Repeat	20.71	16.11	23.60	17.34	28.27	43.37
	Drop-out	11.78	8.45	11.67	9.61	7.19	34.74
1992	Promotion	63.83	79.05	71.27	78.67	69.60	26.55
	Repeat	22.54	17.86	25.21	21.61	33.49	46.18
	Drop-out	13.63	3.09	3.52	-0.28	-3.09	27.27
1993	Promotion	68.72	74.31	65.91	73.60	63.62	49.92
	Repeat	26.25	22.52	27.53	22.97	34.49	30.24
	Drop-out	5.03	3.17	6.55	3.43	1.69	19.85
1994	Promotion	66.51	74.36	64.33	68.81	55.23	46.09
	Repeat	26.75	20.55	26.38	21.62	32.94	33.31
	Drop-out	6.73	5.09	9.30	9.57	11.83	20.60
1995	Promotion	66.77	73.89	65.56	67.50	55.57	42.80
	Repeat	26.82	21.09	26.00	24.06	32.58	36.19
	Drop-out	6.41	5.02	8.44	8.19	11.85	21.01

Source: SSGI/DAPS/MENRS

356. The table of stock indicators shows that the pass rate in primary education between 1985 and 1994 was low, but constantly rising.

Stock indicators

Year	*1985*	*1992*	*1993*	*1994*	*1995*
Gross enrolment rate (%)	61.0	59.9	60.9	63.8	68.8
Net enrolment rate (%)	47.2	44.6	48.8	52.0	56.01
Pass rate (primary) (%)	32.1	35.6	59.1	57.4	-
Pupil/teacher ratio	33.5	39.9	45.5	48.3	52.0
Pupil/class ratio	37.0	40.3	43.5	45.0	48.6

Source: Report on Human Development in Benin, 1997.

357. General secondary education is dispensed in schools and colleges that provide a general training. The full course lasts seven years and is divided into two cycles. The first cycle comprises the first four years (from Year 6 to Year 3). The second cycle consists of the next three years (from Year 2 to Terminal). Pupils completing the first cycle are awarded the Certificate of Completion of First Cycle Studies. Those completing the second cycle are awarded the Baccalaureate (the diploma that enables them to move on to university studies).

358. The second cycle consists of several Courses (Courses A, B, C, D etc.), for which students are encouraged to opt on the basis of their preferences, the results they have obtained, their aptitudes and course availability. Technical and vocational secondary education consists of two three-year cycles. The first prepares students for the Certificate of Vocational Aptitude, the second for the Industrial Technical Diploma. There is also a Sciences and Agricultural Techniques stream, consisting of two cycles culminating in the award of a Certificate and a Diploma respectively.

359. The enrolment rate in 1996 was 16.86%, compared to 15.58% in 1995. The tables below show:

- the promotion, repeat and drop-out rates in general State secondary education, first and second cycles, from 1990 to 1996;

- pass rates for the Certificate of Completion of First Cycle Studies and the Baccalaureate over the same period.

Pass rates for Certificate of Completion of First Cycle Studies and Baccalaureate, 1990-96

Year / *Examination*	*1990*	*1991*	*1992*	*1993*	*1994*	*1995*	*1996*
Certificate	19.92	8.80	17.60	26.40	34.30	32.41	38.12
Baccalaureate	8.73	21.80	18.70	27.70	27.29	28.37	37.38

Source: DDE/MENRS.

360. Although the pass rates for these two examinations are very low, since 1993 there has been a perceptible improvement, evidence that the efforts under way are beginning to show results. The number of pupils rose from 42,868 in 1975 to 107,248 in 1995, a 150% increase over 21 years.

361. The statistical survey for the 1995-96 academic year came up with a figure of 128,256 pupils in State and private education, compared with 114,751 in 1994-95, an 11.76% increase. The percentage of girl pupils was 29.77%, or 28.44% in the State system (33,110 girls out of a total of 118,149 pupils) and 45.30% in private education (4,579 girls out of a total of 10,107 pupils).

362. The Government has made technical and vocational secondary education its second educational priority, after primary education. From being reduced to just one such school in 1961, Benin now has 14 technical and vocational establishments. Numbers of pupils in State establishments rose from 2,099 in 1978 to 4,390 in 1995, with the industrial and management streams always predominant. This trend is to be compared with the trend for general secondary education, in which numbers rose from 55,434 to 107,248 over the same period.

363. As the table below shows, the number of pupils grew fairly rapidly from 1979 to 1984, more than tripling from 2,099 to 7,136 pupils. It then fell back before stabilizing at about 4,400 pupils. The figures from 1992 onwards do not take account of private education, which is heavily concentrated in Cotonou and Porto-Novo. The number of such establishments increased from two in 1975 to 71 in 1996, catering to about 3,000 pupils, and offering mainly tertiary education.

Technical and vocational education

Year	*1978*	*1979*	*1980*	*1981*	*1982*	*1983*	*1984*	*1985*	*1986*	*1987*	*1988*	*1989*	*1990*	*1991*	*1993*	*1994*
Management	968	1 504	4 060	4 575	4 562	5 312	4 736	4 539	4 095	3 831	3 323	3 917	4 022	1 807	2 400	1 800
Industry	703	894	958	1 034	1 083	1 237	1 276	1 228	1 153	1 255	1 065	1 210	1 148	1 146	1 506	1 400
Health	116	110	373	421	466	395	551	547	556	558	545	107	113	480	433	510
Family and social educat.	68	81	201	213	238	269	139	139	171	174	145	63	78	83	85	66
Catering	-	-	-	-	-	-	-	-	-	-	-	-	-	11	29	35
Agriculture	244	255	382	381	373	402	421	421	470	504	420	251	241	399	397	454
Total	2 099	2 844	5 974	6 624	6 722	7 615	7 136	6 874	6 445	6 322	5 500	5 548	5 524	3 926	4 850	441

364. In the first cycle, promotion rates range from 80% in the first year to 47% in the third year, reaching 92% in the second year. Repeat rates are low for the first two years (3% to 7%), and very high in the third year (52%). On the other hand, drop-out rates range from 10% in the first year to 2% in the third year. In the second cycle, results are less good. Promotion rates range from 77% in the first year to 18% in the third year. Repeat and drop-out rates range from 17% in the first year to 55% in the third year.

365. The table below shows pass rates in the various technical and vocational examinations between 1985 and 1996. Generally speaking these rates are much higher than in general secondary education.

366. Higher education in Benin is solely in the hands of the National University of Benin. The University currently has 17 departments: three general, "traditional" faculties: law, letters, arts, human sciences, and technical sciences; and 14 vocational training departments (agronomy, health, administration etc.) and extramural and postgraduate departments (the Regional Public Health Institute, the Institute of Mathematics and Physical Sciences, and the Benin Centre for Foreign Languages).

367. Since the University's foundation in 1970 the student population has grown from an initial 350 to 7,305 in 1985, to reach 11,007 in 1995 - a 50.6% increase between 1985 and 1995. In the 1994-95 academic year the average pass rate for the three traditional faculties was 48%, with rates of 49%, 23% and 65% for the Faculty of Law, Economics and Politics, the Faculty of Science and Technology and the Faculty of Letters, Arts and Human Sciences respectively.

368. The performance indicators show fairly substantial disparities between the general training departments (faculties) and the vocational institutes and schools. In the faculties, repeat rates are between 35 and 44% and drop-out rates between 3.8 and 31.3%. For every 1,000 students registering, 290 complete the cycle and 237 obtain a master's diploma. In the schools and institutes, results are much better. Repeat rates are very low (1 to 17%) and drop-outs rare. Promotion rates range from 71% to 99% in the final year of the cycle.

369. The table below shows numbers of graduates of the National University of Benin from 1980 to 1996.

Numbers of graduates of the National University of Benin, 1980-1996

Year	*1980*	*1981*	*1982*	*1983*	*1984*	*1985*	*1986*	*1987*	*1988*	*1989*	*1990*	*1991*	*1992*	*1993*	*1994*	*1995*	*1996*
Number of graduates	444	521	607	634	825	929	970	908	893	-	750	827	808	762	766	826	868

Source: Rectorat/SSS/UNB/MENRS.

No diploma was awarded for the 1988-89 academic year because of the nationwide strikes that invalidated the school and university years.

370. Automatic recruitment to the civil service was suspended in 1986, as a result of which 90% of graduates cannot find a job on leaving the university. This reveals a mismatch between training and employment: in 1995 more than 75% of students were enrolled in the letters, social sciences, law, political sciences and economics faculties.

371. In 1975 the Government invested more than 5 billion CFA francs - more than 38% of the national budget - in the education sector. In 1987 expenditure on education peaked at 40% of the national budget before falling steadily after 1988 as a result of the structural adjustment measures.

372. From 1993 to 1995, more than 650 schools were built or renovated at a total cost of 8.5 billion CFA francs. In all, 45 schools, one college of general education and a polytechnic complex are currently being built at a total cost of 5.8 billion CFA francs.

373. For the 1997-98 academic year, 300 secondary school classrooms were built, and a technical school will open in Bohicon in October 1997. An agricultural polytechnic complex (to open in February 1998) is also to be built in Natitingou, as is an industrial technical school in Porto-Novo (expected to open in October 1998).

374. Pupils in Benin are now having to travel less and less far to attend school. Not so very long ago pupils would have to travel 5 km or more to get to school. No reliable statistics on the matter are available. Clearly, however, children in rural areas travel greater distances than urban children to acquire an education.

375. Schooling schedules are drawn up at the start of each academic year by an Order of the Minister of National Education. For the 1997-98 academic year, the schedule was fixed as follows

in all State and private educational establishments except the National University of Benin and the technical and agricultural schools and colleges:

First term

Monday 29 September to Tuesday 23 December 1997 (12 weeks). Holidays: All Saints (Saturday 1 November), end-of-term holidays (from end of afternoon lessons on Tuesday 23 December 1997 to Sunday 4 January 1998 inclusive).

Second term

From Monday 5 January to Wednesday 8 April 1998, end of morning lessons (13 weeks and 3 days). Holidays: half-term (from the end of afternoon lessons on Wednesday 20 February to Sunday 1 March inclusive), end-of-term holidays (from the end of morning lessons on Wednesday 8 April to Sunday 19 April inclusive).

Third term

From Monday 20 April to Friday 26 June 1998 inclusive (9 weeks and 5 days). Holidays: Labour Day (Friday 1 May), Ascension (Thursday 21 May), Whit Monday (Monday 1 June). The summer holidays run from Saturday 27 June to Sunday 13 September 1998. Lessons will resume in all these establishments on Monday 14 September 1998.

376. The schedules for the National University of Benin and the technical and agricultural schools and colleges are set by a different Order which takes account of the specific nature of these establishments. All State and private school and university establishments also observe the holidays ordered by the Minister for the Civil Service, Labour and Administrative Reform.

377. No statistics are available for the proportion of males to females attending primary, secondary and higher education or participating in literacy promotion activities. However, it is worth noting that primary school teachers (Certificate of Completion of First Cycle Studies level) and literacy teachers (Certificate of Primary Education and First Cycle Studies levels) work on a voluntary basis in the Regional Centres for Rural Development Activities to promote literacy. They are supervised at provincial level by staff who generally possess a baccalaureate or higher qualifications.

378. Girls remain a particularly vulnerable and disadvantaged group with regard to practical enjoyment of the right to education at all levels. The illiteracy rate for women is 84.6%, as compared to 69.3% for men, and the enrolment rate in primary education is 23.4% for girls and 39.1% for boys.

379. This is because many families, particularly the poorest, cannot afford the cost of schooling. The direct and indirect costs of schooling mean that many families have to choose which child or children to send to school. For socio-cultural reasons, priority is often given to boys. Girls constitute an important source of unpaid labour for housework and commercial activities. Many parents, especially mothers, find it very hard to do without that support.

380. Among the measures taken to rectify these imbalances, mention should be made of the decision to exempt girls in rural areas from payment of school fees. This measure has been in force since October 1993 and has had a very positive influence on enrolment of girls in these areas. Reception centres have also been renovated or built to accommodate girls entering Year 6 (secondary education), with a view to promoting attendance. Each province opened a reception

centre in October 1996, at the start of the school year. Five girls from the poorest sectors of society entering Year 6 are financed by the sub-prefecture. Study grants and teaching materials are also given to girls in some less-favoured regions, with support from the development partners.

381. Women's literacy centres have been opened and teachers trained to cater to women over school-leaving age. Several vocational training centres have been set up in Zou province, under the patronage of Monsignor Lucien Agboka.

382. In rural areas, mothers are being provided with modern labour-saving devices enabling them to dispense with the services of their school-age daughters. The Government has taken the following measures to guarantee equality of access to all levels of education:

- ensuring equitable geographical distribution of schools;
- diversifying channels for access to education by those over school age;
- developing pre-school activities for very young children;
- securing the integration of disabled children;
- promoting school attendance by girls;
- integrating schools in the community;
- progressively ensuring availability of education free of charge by studying the opportunity costs of education for families (boys and girls) and implementing a local sponsorship system.

383. Article 11 of the Beninese Constitution of 11 December 1990 provides that all communities shall enjoy the freedom to use their spoken and written languages and that the State must promote the development of national languages of intercommunication. The Constitution also requires the Government to teach human rights in the national languages through literacy programmes and the media.

384. On 15 July 1992 the Council of Ministers took the following important decisions to promote literacy and adult education:

- It called upon the Ministry of National Education to ensure the introduction of the national languages in examinations and the training of officials specializing in literacy promotion in the School of Administration and in the integrated normal schools.
- The Minister of Culture and Communications was entrusted with the task of issuing regulations governing literacy promotion activities.
- The Minister of the Interior is required to instruct the local authorities with regard to the pre-financing of educational materials and the use of six national languages (Adja, Batonu, Fon, Dendi, Ditamari and Yoruba) in local administration.
- The Ministers of Labour and Health are to provide for tests in national languages in professional examinations and the introduction of adult education in health and social promotion centres.

385. These decisions were implemented, inter alia, through the adoption of Decree No. 92-251 of 31 August 1992 creating and establishing the organizational structure, powers and functions of the National Council for Literacy and Adult Education, a consultative body within the Ministry of Culture, the aim of which is to promote concerted action, intersectoral cooperation and partnership with donors and with civil society.

386. Generally speaking, teachers do not benefit from any special conditions as compared to other civil servants. Like all civil servants, they are paid in accordance with the salary scale laid down in the State Agents (General Regulations) Act. Formerly, they were the only officials to benefit from the housing allowances which since 1995 have been made available to all civil servants. Among other benefits claimed, teachers have called for allowances to cover the cost of chalk and for night work, but these demands have not been met.

387. In 1997 the Government decided to allocate a lump-sum hardship allowance of 5,000 CFA francs to teachers working in remote areas. It was announced that this measure will gradually be extended to other occupational groups working in the same conditions.

388. As an incentive to teachers in remote and deprived areas to agree to serve five years in their post, the Government has supplied them with Yamaha 100cc motorcycles, to be paid for over the five-year period. These are small incentives offered to a specific category of teachers working in difficult conditions, not perquisites of the teaching profession as a whole. Only teachers in higher education are entitled to research allowances.

389. None of the recommendations made following the States General on Education held in October 1990 with a view to enhancing the status of the teaching profession was eventually followed up. A primary school teacher starting out on his or her career earns about 35,000 CFA francs a month. An assistant secondary school teacher with an Ordinary Certificate of Aptitude for Secondary School Teaching (BAPES) has a starting salary of about 70,000 CFA francs a month. A certified secondary school teacher with a Higher Certificate of Aptitude for Secondary School Teaching (CAPES) earns about 85,000 CFA francs a month. An assistant university teacher begins on a salary of about 110,000 CFA francs a month.

390. In Benin, private non-denominational and denominational educational establishments of all kinds are established and administered alongside the State establishments. The table below gives a breakdown of these establishments by province and type of education for the year 1996.

Breakdown of private establishments by province and type of education, 1996

Province	*Primary*	*General secondary*	*Technical/ vocational*	*Higher*	*Total*
Atacora	4	-	-	-	4
Atlantique	136	35	51	13	235
Borgou	4	4	4	-	12
Mono	5	2	1	-	8
Ouémé	16	15	11	2	44
Zou	7	5	5	-	17
Total	172	61	72	15	320

391. All that is required in order to set up a private educational establishment in Benin is to meet the requirements laid down by Order No. 001/MEN/CAB/DC/DAPS of 22 January 1996 on the conditions for setting up, expanding and operating a private educational establishment and the requisite administrative procedures. Anyone wishing to set up a private establishment must obtain a

ministerial order giving the name of the establishment, the types of training and the courses or levels of study. The same applies to the heads of such establishments and the teachers. This enables the Minister of Education to monitor the private education sector.

392. In general, when the conditions set forth in Order No. 001/MEN/CAB/DC/DAPS of 22 January 1996 are met, no problem arises in the running of these establishments. Those wishing to set up such an establishment are even granted a provisional authorization to enable them to open their doors without undue delay.

393. International assistance (the German Office for Technical Cooperation, USAID, the Inter-American Development Bank, the Organization of Petroleum Exporting Countries, the European Development Fund, the International Development Association, etc.) contributed to the construction of more than 1,000 classrooms between 1990 and 1997, and to reforms in primary education.

Article 14

394. Although it acceded to the Covenant in 1992, the Government of Benin was unable to adopt, within two years, a detailed plan of the measures needed for the progressive implementation of the principle of compulsory and free primary education for all.

395. However, article 13 of the Beninese Constitution of 11 December 1990 clearly proclaims that the State shall provide for the education of young people in State schools; that primary education shall be compulsory; and that the State shall progressively ensure that public education is free of charge.

396. There is thus a clearly expressed will to make primary education compulsory and free. This will is embodied in the enormous resources that the Government is devoting to education, investing substantial sums in the construction and renovation of hundreds of classrooms in primary schools with support from the development partners, especially USAID.

397. The aim is to guarantee equal opportunity of access to education for all children between the ages of 6 and 15 by ensuring that schooling is free of charge for all. The successive structural adjustment programmes to which Benin has been subjected since 1989 have not yet enabled it to adopt a detailed plan for implementation of the principle of compulsory and free primary education for all. However, it is planned to invest 27,800 million CFA francs in primary education over the next 10 years.

Article 15

398. Article 8 of the Constitution of 11 December 1990 guarantees citizens equal access to culture. Its article 10 recognizes that every person has the right to culture and provides that the State has the duty to safeguard and promote the national values of civilization, both material and spiritual, as well as cultural traditions.

399. The States General on Culture, Youth and Sport convered by the Government in 1990 formulated the country's cultural policy. Act No. 91-006 of 25 February 1991 establishing the Cultural Charter was also adopted, and serves as a valuable reference document.

400. The cultural policy is aimed at a mingling of all the country's ethnic components so as to encourage the gradual emergence of a genuine national consciousness. It aims at developing a climate of freedom and fraternity in which citizens, liberated by a climate of pluralistic democracy, participate actively in the overall development of the country.

401. A Culture and Leisure Fund has been established to promote the development of culture. Since its creation, the national budget has contributed a total of 140 million CFA francs to the Fund, broken down as follows:

1993: CFAF 30 million;

1994: CFAF 30 million;

1995: CFAF 30 million;

1996: CFAF 20 million;

1997: CFAF 30 million.

402. The National Lottery of Benin and the Office of Posts and Telecommunications are the national partners of this Fund, the former contributing 30 million CFA francs in 1993, and the latter 40 million CFA francs in 1995 and 30 million CFA francs in 1997.

403. The Ministry of Culture and Communications and its technical directorates for culture, including the Directorate of Artistic and Cultural Promotion, the Fund for Cultural Aid, the Directorate of Cinematography, the Cultural Heritage Directorate and the Directorate of the National Library, together make up the main institutional infrastructure for implementation of measures to promote universal participation in culture.

404. The Directorate of Artistic and Cultural Promotion organizes national and provincial festivals (biennially) and assists in the participation of artists in international festivals. The Project for Study and Research on the West African Artistic, Cultural and Musical Heritage functions under its auspices.

405. The Cultural Heritage Directorate is responsible for museums and for the restoration and promotion of historical monuments and sites for the budding tourist industry. These activities are backed up by one Beninese and two Franco-Belgian projects:

- the Benin Lake-Dwellers Festival;

- the "Operation Public Reading" project, which makes a significant contribution to promoting works by Beninese authors in the national network of libraries and public and private reading centres;

- the project to support cultural development, which is chiefly active in the area of museums and the historical heritage.

406. The Beninese Centre for Scientific and Technical Research and the Beninese Copyright Office also contribute to the cultural life of the country. The former was established by Decree No. 86-24 of 29 January 1986, as a public body with legal personality and financial autonomy. This Centre, which is responsible for promoting the sciences nationally and conducting research, had its powers strengthened by Decree No. 92-331 of 26 November 1992, which approves its new statutes, particularly in its article 5, which empowers the Centre to organize, stimulate, promote, coordinate and monitor the execution of scientific and technical research programmes at national level.

407. The Centre is placed under the supervision of the Ministry of National Education and Scientific Research. Its National Scientific Committee has an advisory role in all matters relating to scientific and technical research referred to it by the Director General of the Centre. The National

Scientific Committee's task is to assist the Centre and the sectoral research committees or other interdisciplinary bodies attached to it.

408. The Centre has three technical directorates. It organizes research activities through the national research networks, structures whose task is to promote scientific research activities conducted in specific sectors of the national economy and scientific and technological development.

409. Article 5 of Decree No. 92-332 of 26 November 1992 approving the new statutes of the Centre confers on it the task of publishing and disseminating the results of the research undertaken. Similarly, article 22 covers the Directorate of Documentation and Publicity and the Directorate of Scientific Information and Training. In cooperation with the Minister for Foreign Affairs and Cooperation, the Centre helps to implement a dynamic policy of international scientific cooperation (art. 8 (5) of Decree No. 92-331).

410. The Centre has set up a national programme to support research, enabling projects submitted by successful candidates in the annual competition for research proposals to be financed. It manages a Third World Academy of Sciences Prize programme which each year rewards one young Beninese researcher for his work.

411. The Centre has set up and runs a scientific forum programme which offers researchers a chance to present the results of their work to colleagues, and publishes a biannual review entitled Carrefour de la Recherche.

412. Act No. 84-008 of 15 March 1984 on copyright protection in the Republic of Benin, together with its implementing decrees, and Act No. 91-006 of 25 February 1991 establishing the Cultural Charter are the legislative measures adopted to realize the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic work of which he or she is the author.

413. Its article 1 provides that the author of any original work of the imagination, whether literary, artistic or scientific, shall enjoy an intangible property right, exclusive and enforceable against all, over that work simply by virtue of having created it. Its article 3 declares that copyright shall include intellectual and moral as well as patrimonial attributes.

414. Article 11 of the Act provides for the establishment of a public professional body known as the Beninese Copyright Office. The Office was set up in 1984 but did not become fully operational until 1986. Its task is to protect and defend the patrimonial and moral interests of creators of works of the imagination. Since 1997 it has been decentralized and is now located at Parkou, in the north of the country. There are plans for it to occupy two other sites in Porto-Novo and Abomey. The Office is responsible for managing and protecting copyright. It has capacity, to the exclusion of all other natural or legal persons, to act as an intermediary in issuing authorizations and collecting the relevant fees.

415. Article 53 states that material evidence of violations of copyright protection regulations may result either in a criminal investigation or in establishment of the facts by sworn officials of the Beninese Copyright Office. The Office has locus standi to defend the moral and patrimonial rights of the authors whose fees it is responsible for recovering. The main obstacles to the full enjoyment of copyright are piracy, the low level of juridical activity and bad faith on the part of those required to comply with these practical requirements.

416. The Constitution, in its articles 8 and 10, guarantees equal access to culture for all citizens, and the State has the duty to safeguard and promote the national values of civilization, both material and spiritual, as well as cultural traditions.

417. The various public media organs (the Benin Office of Radio and Television Broadcasting and the National Publishing, Press and Printing Office), through radio, television and the daily newspaper La Nation and various private journals, contribute to the dissemination of scientific, technical and cultural information.

418. The State grants ad hoc subsidies and facilities for the organization of activities by learned societies, professional associations, unions of workers and other organizations and institutions engaged in scientific research and creative activities. In 1997 300 million CFA francs from the national budget were earmarked for unions of workers. There is provision for the same amount in the 1998 budget.

419. As regards international cooperation, the Government has ratified cooperation agreements with the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Intellectual Property Organization (WIPO) and regional and national copyright bodies. It also grants facilities to assist writers, artists and others involved in scientific research or creative activity in obtaining mission orders, authorizations for absence and service passports, to enable them to participate in international scientific and cultural conferences, seminars and symposiums.

420. As for shortcomings, the adverse factors and difficulties encountered include failure to ensure full application of legislation in this field. Of the ten or so laws envisaged in the cultural policy framework, only two have been enacted.

421. Even Act No. 84-008 of 15 March 1984, on copyright protection in the Republic of Benin, is inadequate in many respects, particularly as regards criminal sanctions. A new draft law which should enable counterfeiting and piracy of literary and artistic works to be combated more effectively has been submitted to the National Assembly.

422. Consequently, other laws are needed, including a law defining the legal framework for private sector intervention in the financing and promotion of culture, and a law on tax incentives, exemptions and subsidies to be granted by the State with a view to promoting the production of literary and artistic works.

423. Failure to incorporate the arts and culture in the academic curriculum also penalizes these occupations, condemning creators and producers to routine and disguised amateurism. Difficulties encountered include:

- shortages of human resources, preventing the recruitment of staff for cultural activities;
- insufficient capacity to prepare integrated sectoral programmes to develop and promote culture;
- insufficient allocation of financial resources to culture;
- the low volume of cultural work disseminated by the audiovisual media, the result of a failure to impose programming quotas.